





A C T S
AND
R E S O L V E S

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1 8 6 5,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOV-
ERNOR, LIST OF THE CIVIL GOVERNMENT,
CHANGES OF NAMES OF PERSONS,
ETC., ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

P R E A M B L E.

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into an original, explicit and solemn compact with each other; and of forming

a new constitution of civil government for ourselves and posterity ; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and
natural rights
of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty
of public religious
worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe.

Protection there-
in.

And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art.
XI. substituted
for this.

[III.* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality ; Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

Legislature em-
powered to com-
pel provision for
public worship ;

* NOTE.—Articles of the original constitution and articles of amendment thereto, which have become inoperative by reason of subsequent amendments, are printed in smaller type and inclosed in brackets : obsolete *portions* of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government; right of people to institute and change it.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish

Right of people to secure rotation in office.

by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

Remedies by recourse to the law, to be free, complete and prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

Right to trial by jury, in criminal cases, except, &c.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remon-

Right of people to instruct representatives and petition legislature.

stances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties, ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Judges of supreme judicial court.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave them-

Tenure of their office.

selves well, and that they should have honorable salaries ascertained and established by standing laws. Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men. Separation of executive, judicial, and legislative departments.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS. Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other. Legislative department.

The legislative body [shall assemble every year, on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS. See amendments, Art. X.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revision; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any Governor's veto.

Bill may be passed by two-thirds of each house, notwithstanding.

objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

See amendments, Art. I.

And in order to prevent unnecessary delays if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicatories, courts of record, &c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal, or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c., may administer oaths.

General court may enact laws, &c.,

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name

not repugnant to the constitution;

and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

may provide for the election or appointment of officers;

prescribe their duties.

impose taxes;

duties and excises;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI., and XXII.

district, and the number of councillors and senators to be chosen therein : provided, that the number of such districts shall never be less than thirteen ; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz :—

Suffolk, six ; Essex, six ; Middlesex, five ; Hampshire, four ; Plymouth, three ; Barnstable, one ; Bristol, three ; York, two ; Dukes county and Nantucket, one ; Worcester, five ; Cumberland, one ; Lincoln, one ; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. & XXVI.

Word “inhabitant” defined.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Art. II.

Amendments, Art. X.

II. The Senate shall be the first branch of the legislature ; [and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors ; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant,” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name ; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually ; or it shall be delivered into

the secretary's office seventeen days at least before the said last Wednesday in May ; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns ; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct ; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records ; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly ; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government ; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution ; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes : and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner,

Inhabitants of unincorporated plantations, who pay State taxes, may vote.

Plantation meetings.
See amendments, Art. X.

Assessors to notify, &c.

Governor and council to examine and count votes, and issue summonses.

See amendments, Art. X.

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X., XIV. and XXIV.

Vacancies, how filled. viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator. V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days. VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules. VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Shall try all impeachments. VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively, be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Oath.

Limitation of sentence.

Quorum.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Expense of travelling to and from the general court, how paid.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

[IV. Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter.

See amendments, Arts. III., XX. and XXIII.

Representatives,
when chosen.
See amendments,
Arts. X. and XV.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

House alone can
impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to origi-
nate all money
bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn
more than two
days at a time.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Quorum.
See amendments,
Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of
returns, &c., of
its own members;
to choose its offi-
cers and establish
its rules, &c.
May punish for
certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of
members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

Governor and
council may
punish.
General limita-
tion.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by
committee, or
otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, Governor.
 who shall be styled—THE GOVERNOR OF THE COMMONWEALTH
 OF MASSACHUSETTS; and whose title shall be—HIS EXCEL- His title.
 LENCY.

II. The governor shall be chosen annually; and no per- To be chosen an-
 nually.
 Qualifications.
 son shall be eligible to this office, unless, at the time of his
 election, he shall have been an inhabitant of this Common-
 wealth for seven years next preceding; and unless he shall,
 at the same time, be seized, in his own right, of a freehold,
 within the Commonwealth, of the value of one thousand
 pounds; [and unless he shall declare himself to be of the See amendments,
 Art. VII.
 Christian religion.]

[III. Those persons who shall be qualified to vote for senators and By whom chosen,
 if he have a ma-
 jority of votes.
 representatives, within the several towns of this Commonwealth, shall, at
 a meeting to be called for that purpose, on the first Monday of April,
 annually, give in their votes for a governor, to the selectmen, who shall
 preside at such meetings; and the town clerk, in the presence and with
 the assistance of the selectmen, shall, in open town meeting, sort and
 count the votes, and form a list of the persons voted for, with the number
 of votes for each person against his name; and shall make a fair record
 of the same in the town books, and a public declaration thereof in the said
 meeting; and shall, in the presence of the inhabitants, seal up copies of
 the said list, attested by him and the selectmen, and transmit the same to
 the sheriff of the county, thirty days at least before the last Wednesday
 in May; and the sheriff shall transmit the same to the secretary's office,
 seventeen days at least before the said last Wednesday in May; or the
 selectmen may cause returns of the same to be made, to the office of the
 secretary of the Commonwealth, seventeen days at least before the said
 day; and the secretary shall lay the same before the senate and the house
 of representatives, on the last Wednesday in May, to be by them exam-
 ined; and in case of an election by a majority of all the votes returned,
 the choice shall be by them declared and published; but if no person shall
 have a majority of votes, the house of representatives shall, by ballot, elect
 two out of four persons, who had the highest number of votes, if so many
 shall have been voted for; but, if otherwise, out of the number voted for;
 and make return to the senate of the two persons so elected; on which,
 the senate shall proceed, by ballot, to elect one who shall be declared
 governor.] See amendments,
 Arts. II., X., XIV.
 and XV.

IV. The governor shall have authority, from time to How chosen,
 when no person
 has a majority.
 time, at his discretion, to assemble and call together the
 councillors of this Commonwealth for the time being; and
 the governor, with the said councillors, or five of them, at
 least, shall, and may, from time to time, hold and keep a Power of govern-
 nor, and of gov-
 ernor and coun-
 cil.

council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or prorogue the general court upon request, and convene same.

See amendments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same at any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amendments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as

occasion shall necessarily require ; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth ; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court ; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council ; but no charter or pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council ; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards ;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments ; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades ; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Limitation.

Governor and council may pardon offences, except &c.

But not before conviction.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

Militia officers, how elected.

See amendments, Art. V.

How commissioned.

Major-generals,
how appointed
and commis-
sioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other ; and be commissioned by the governor.

Vacancies, how
filled, in case,
&c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly
commissioned,
how removed.
See amendments,
Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the Commonwealth or the time being.]

Adjutants, &c.,
how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters ; the brigadiers their brigade-majors ; and the major-generals their aids ; and the governor shall appoint the adjutant-general.

Adjutant-gen-
eral.

Army officers,
how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Organization of
militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Money, how
drawn from the
treasury except,
&c.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards,
&c., to make
quarterly returns

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively ; distinguishing the quantity, number, quality and kind of each, as particularly as may be ; together with

the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged, if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.

See amendments, Art. XVI.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated.

Rank of councillors.

[II. Nine councillors shall be annually chosen from among the persons^s returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

No district to have more than two.

[IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.]

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present ; and this record may be called for, at any time, by either house of the legislature ; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up ; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people ; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, &c.

Order thereof. Amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary, &c. ; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable ; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

Secretary to keep records ; to attend the governor and council, &c.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed. Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

Justices of supreme judicial court to give opinions when required.

Justices of the peace; tenure of their office.

Provisions for holding probate courts.

Causes of marriage and divorce, how determined.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to congress.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF
LITERATURE, &c.

SECTION I.

The University.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Harvard College.

Powers, privileges, &c., of the president and fellows, confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

All gifts, grants, &c., confirmed.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of.

Who shall be
overseers.

Power of altera-
tion reserved to
the legislature.

Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Duty of legisla-
tures and magis-
trates in all fu-
ture periods.
See amendments,
Art. XVIII.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

ART. I. [Any person chosen governor, lieutenant-governor, councilor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.” See amendments, Art. VII.

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

And every person, chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

[“I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God.”] See amendments, Art. VI.

“I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the

best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

Amendments,
Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

Oaths and affirm-
ations, how ad-
ministered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of off-
ices prohibited to
governor, &c.,
except, &c.

See amendments,
Art. VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Same subject.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible
offices.

See amendments,
Art. VIII.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this

description naval officers— shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

Same subject.

Bribery, &c., operates disqualification.

Value of money ascertained. Property qualifications.

See amendments, Art. XIII.

Provisions respecting commissions.

Provisions respecting writs.

Continuation of former laws, except, &c.

Benefit of habeas corpus secured, except, &c.

The enacting style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of former government continued until, &c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.]

Provision for revising constitution. Amendments, Art. IX.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Same subject.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the mean time.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities.

Proviso.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 588. See amendments, Arts. XX., XXIII. and XXVI.

Notaries public,
how appointed
and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in the
offices of secretary
and treasurer,
how filled in case,
&c.
See amendment,
Art. XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Commissary-general
may be appointed,
in case,
&c.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Militia officers,
how removed.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Who may vote
for captains and
subalterns.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Oath to be taken
by all officers;

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

or affirmation in
cases, &c.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words, “So help me, God,” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

Tests abolished.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

ART. VIII. No judge of any court of this Commonwealth, Incompatibility of offices. (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth. Amendments to constitution, how made.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dis- Commencement of political year, and termination.

solved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to go into operation.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity

of a people, and the security of a republican government ; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses ; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society ; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law ; and no subordination of any one sect or denomination to another shall ever be established by law."

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid : and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Census of ratable polls to be taken in 1837, and decennially thereafter.

Any town having less than three hundred ratable polls shall be represented thus : The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred ; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty ; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives ; and such districts shall have all the rights, in

Fractions, how represented.

Towns may unite into representative districts.

regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Senatorial districts declared permanent. See amendments, Art. XXII.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. See amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Basis of representation, and ratio of increase.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided,

shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Councillors to be chosen from the people at large. See amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification not required.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however,* that if, at any time, the constitution shall provide

Eight councillors to be chosen by the people.

Legislature to district State.

for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate ; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors ; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly ; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined ; and in case of the election of either of said officers, the choice shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Eligibility defined.
Day and manner of election, &c.
Vacancies, how filled.
Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be

Election of secretary, treasurer, auditor and attorney-general by the people.
Vacancies, how filled.

chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

School moneys not to be applied for sectarian schools.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any

Reading constitution in English and writing, necessary qualifications of voters. Proviso.

person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven ; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters ; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

House to consist of 240 members.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration ; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth ; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk,— or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of

Legislature to apportion, &c.

each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Qualifications of representatives.

One hundred members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven ; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid : *provided, however*, that no town or ward of a city shall be divided therefor ; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his

Census of voters and inhabitants to be taken.

Senate to consist of 40 members. Senatorial districts, &c.

Proviso.

Qualifications of senators.

election, and at the time of his election shall be an inhabitant of the district for which he is chosen ; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Sixteen members
a quorum.

Residence of two
years required of
naturalized citizen,
to entitle to
suffrage or make
eligible to office.
[See amendment,
Art. XXVI.]

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Vacancies in the
senate.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the
council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Twenty-third article of amend-
ments annulled.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit : "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

[NOTE.—The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, “That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution.” The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article of Amendment was adopted by the legislatures of the political years 1829–30, and 1830–31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article of Amendment was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people, November 11, 1833.

The twelfth Article of Amendment was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article of Amendment was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles of Amendment were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles of Amendment were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article of Amendment was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles of Amendment were adopted by the legislatures of the political years 1859 and 1860, respectively, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article of Amendment was adopted by the legislatures of the political years 1862 and 1863, respectively, and ratified by the people on the sixth day of April, 1863.]

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General Statutes and Special Acts

OF

MASSACHUSETTS.

1865.

 The General Court of 1865 assembled on Wednesday, the fourth day of January, and was prorogued on Wednesday, the seventeenth day of May.

The oaths required by the Constitution to be administered to the Governor elect of the Commonwealth, were taken and subscribed by His Excellency JOHN A. ANDREW, on Friday, the sixth day of January.

ACTS,

GENERAL AND SPECIAL.

AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE OFFICERS AND MEMBERS OF THE LEGISLATURE, AT THE PRESENT SESSION THEREOF, AND ALSO FOR THE MILEAGE AND COMPENSATION OF THE LIEUTENANT-GOVERNOR AND COUNCIL, AND FOR THE SALARIES OF CERTAIN OFFICERS AND CLERKS FOR THE CURRENT YEAR.

Chap. 1.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, eighteen hundred and sixty-five, to wit :

Appropriations
authorized.

LEGISLATIVE DEPARTMENT.

For the mileage of senators, a sum not exceeding four hundred dollars.

Senators' mileage.
G. S. 2, § 13.

For the compensation of senators, a sum not exceeding twelve thousand three hundred dollars.

Compensation.
G. S. 2, §§ 13, 15.

For the mileage of representatives, a sum not exceeding twenty-three hundred dollars.

Representatives' mileage.
G. S. 2, § 13.

For the compensation of representatives, a sum not exceeding seventy-two thousand three hundred dollars.

Compensation.
G. S. 2, §§ 13, 15.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, four thousand dollars.

Clerks of Senate and House.
G. S. 2, § 17.

For the salaries of the chaplains of the senate and house of representatives, four hundred dollars.

Chaplains.
G. S. 2, § 18.

For the compensation of the preacher of the election sermon, one hundred dollars.

Preacher of election sermon.
G. S. 2, § 18.

For the salary of the sergeant-at-arms, two thousand dollars.

Sergeant-at-arms
G. S. 14, § 50.

Door-keepers,
messengers,
watchmen and
firemen.
G. S. 2, § 19, and
14, §§ 59, 60.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, and of such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand five hundred dollars.

Witnesses' fees.
G. S. 15; Acts '60,
41.

For fees of witnesses summoned before committees, a sum not exceeding eight hundred dollars.

EXECUTIVE DEPARTMENT.

Lieut. governor
and council.
G. S. 14, § 2.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding ten thousand dollars.

Governor's secretary.
Res. 1861, 1.

For the compensation of the private secretary of the governor, fourteen hundred dollars.

Messenger.
G. S. 14, § 63.

For the compensation of the messenger of the governor and council, eight hundred dollars.

Asst. messenger.
G. S. 14, § 63.

For the compensation of the assistant-messenger of the governor and council, three hundred sixty-five dollars.

SECRETARY'S DEPARTMENT.

Secretary of Commonwealth.
G. S. 14, § 3.

For the salary of the secretary of the Commonwealth, two thousand dollars.

First clerk.
G. S. 14, § 4.

For the salary of the first clerk in the secretary's department, fifteen hundred dollars.

Second clerk.
G. S. 14, § 4.

For the salary of the second clerk in the secretary's department, fourteen hundred dollars.

Messenger.
G. S. 14, § 4.

For the salary of the messenger in the secretary's department, eight hundred dollars.

Additional clerical assistance.
G. S. 14, § 4.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the department, a sum not exceeding fourteen thousand dollars.

TREASURER'S DEPARTMENT.

Treasurer and receiver-general.
G. S. 15, § 12.

For the salary of the treasurer and receiver-general, two thousand dollars.

First clerk.
G. S. 15, § 12.

For the salary of the first clerk in the treasurer's department, fifteen hundred dollars.

Assistant clerk.
G. S. 15, § 12,
Res. 1864, 36.

For the salary of the first and second assistant-clerks in the treasurer's department, twenty-four hundred dollars.

Additional clerical assistance.
G. S. 15, § 12.

For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding fourteen thousand five hundred dollars.

COMMISSIONERS ON CORPORATION TAX.

Corporation tax commissioners' assistants.
Acts '64, 208.

For such clerical assistance as the commissioners may find necessary, a sum not exceeding twelve thousand dollars.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, two thousand dollars.

Auditor of accounts.
G. S. 15, § 2.

For the salary of the first clerk in the auditor's department, fifteen hundred dollars.

First clerk.
Acts '62, 77.

For the salary of the second clerk in the auditor's department, eleven hundred dollars.

Second clerk.
G. S. 15, § 2.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding four thousand dollars.

Additional assistants.
G. S. 15, § 2.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, two thousand five hundred dollars.

Attorney-general salary.
G. S. 14, § 16.

For the salary of the clerk of the attorney-general, one thousand dollars.

Clerk.
G. S. 14, § 16.

BANK COMMISSIONERS' DEPARTMENT.

For the compensation of the bank commissioners, sixty-six hundred dollars.

Bank commissioners.
Acts '62, 212.

For the salary of the clerk of the bank commissioners, fifteen hundred dollars.

Clerk.
G. S. 57.

INSURANCE COMMISSIONERS.

For the compensation of the board of insurance commissioners, three thousand dollars.

Insurance commissioners.
Acts '62, 212.

AGRICULTURAL DEPARTMENT.

For the salary of the secretary of the board of agriculture, two thousand dollars.

Secretary board agriculture.
G. S. 16, § 4.

For clerical assistance to the secretary of the board of agriculture, twelve hundred dollars.

Clerks.
G. S. 16, § 4, Acts '62, 164.

BOARD OF STATE CHARITIES.

For the salary of the secretary of the board of state charities, two thousand dollars.

Board state charities, secretary.
Acts '63, 240, § 3.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding four thousand dollars.

Clerical assistance.
Acts '63, 240, § 3.

For the salary of the agent of the board of state charities, two thousand dollars.

Agent.
Acts '63, 240, § 7.

For such clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding sixty-five hundred dollars.

Additional necessary assistance.
Acts '63, 240, § 7.

MILITARY DEPARTMENTS.

For the salary of the adjutant-general, two thousand dollars.

Adjutant-general
Acts '63, 181.

First and second clerks.

Acts '62, 214, '63, 17.

Additional assistance.

Acts '61, 219, '63, 15, 17.

Messengers.

Acts '61, 219, '63, 15, 17.

Acting chief of ordnance.

Acts '61, 219, '63, 15.

Quartermaster-general, clerk.

Acts '61, 219, '63, 15.

Ordnance department, clerks.

Acts '61, 219, '63, 15.

Surgeon-general.

Acts '61, 219, '63, 15.

Assistant.

Acts '61, 219, '63, 15.

First and second clerks.

Acts '61, 219, '63, 15.

Additional assistance.

Acts '61, 219, '63, 15.

Messenger.

Acts '61, 219, '63, 15.

For the salaries of the first and second clerks of the adjutant-general, twenty-seven hundred dollars.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding twenty-one thousand dollars.

For the salaries of messengers in the adjutant-general's department, thirteen hundred and eighty dollars.

For the salary of the acting chief of ordnance, two thousand dollars.

For the salary of the clerk of the quartermaster-general, eighteen hundred dollars.

For such clerical assistance as the acting chief of ordnance may find necessary, a sum not exceeding twenty-five hundred dollars.

For the salary of the surgeon-general, twenty-five hundred dollars.

For the salary of the assistant surgeon-general, fifteen hundred dollars.

For the salaries of the first and second clerks of the surgeon-general, three thousand dollars.

For such additional clerical assistance as the surgeon-general may find necessary, a sum not exceeding thirteen hundred dollars.

For the salary of the messenger in the surgeon-general's department, three hundred and sixty dollars.

EDUCATIONAL DEPARTMENT.

For the salary of the secretary of the board of education, twenty-four hundred dollars.

For the salary of the assistant-librarian and clerk of the secretary of the board of education, fifteen hundred dollars.

For additional assistance in the library, a sum not exceeding nine hundred dollars.

For the salary of the agent of the board of education, twenty-four hundred dollars, to be paid from the income of the Massachusetts school fund.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1865.

Chap. 2.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE AGRICULTURAL BRANCH RAILROAD, AND TO AUTHORIZE A CHANGE OF LOCATION.

Be it enacted, §c., as follows :

Extension of time to July 1, 1868.

SECTION 1. The time for locating and constructing the Agricultural Branch Railroad is hereby extended three years from the first day of July next.

SECTION 2. The said railroad company is hereby authorized to change the location of its railroad in the towns of Clinton and Berlin, so as to pass through the southerly corner of the town of Bolton, and to file a new location of the second and third sections of said road, extending from the line of the town of Northborough to the Fitchburg and Worcester Railroad in the town of Sterling. May change location.

SECTION 3. The said company is also authorized to locate and construct a new track outside of their present location, near the northerly line of the town of Southborough, not exceeding two hundred rods in length. May construct additional track.

SECTION 4. This act shall take effect upon its passage.

Approved February 3, 1865.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE
NORTH ATTLEBOROUGH BRANCH RAILROAD.

Chap. 3.

Be it enacted, &c., as follows:

The time for locating and constructing the North Attleborough Branch Railroad is hereby extended to the first day of May, in the year eighteen hundred and sixty-seven. Extension of time to May 1, 1867.

Approved February 3, 1865.

AN ACT TO INCORPORATE THE PROPRIETORS OF LYCEUM HALL, IN
ANDOVER.

Chap. 4.

Be it enacted, &c., as follows:

SECTION 1. James M. Fessenden, Alpheus B. Southwick, James W. Dearborn, their associates and successors, are hereby made a corporation, by the name of The Proprietors of the Lyceum Hall, for the purpose of erecting a building in Andover, and maintaining the same for the accommodation and purposes of a lyceum hall, lectures, and any other lawful purpose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which are or may be in force, so far as applicable to said corporation. Corporators.
Title.
Purpose.
Privileges.

SECTION 2. Said corporation shall have a capital stock of twelve thousand dollars, divided into shares of one hundred dollars each, and may hold, for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock. Capital.
Shares.
Estate.

Approved February 3, 1865.

AN ACT TO AUTHORIZE GEORGE H. ROGERS TO BUILD WHARVES IN
GLOUCESTER.

Chap. 5.

Be it enacted, &c., as follows:

SECTION 1. George H. Rogers is hereby authorized to build and maintain a wharf in front of his land at Clay Cove, in the harbor of Gloucester, not exceeding four hundred feet from the upland; also, to build and maintain a May have wharves at "Clay" and "Creppe" coves.

May extend in Gloucester harbor.

Proviso.

May receive dockage.

wharf at Crepple Cove, in said harbor, not to extend beyond the adjoining wharf of Epes Sayward; said Rogers is also authorized to rebuild and extend his wharf in the harbor of Gloucester, known as Gaffney's Wharf, to a point within fifty feet from the end of the next wharf easterly, known as Steel's Wharf: *provided*, that neither of said wharves shall extend beyond the harbor line in said Gloucester, to be hereafter established by law.

SECTION 2. Said George H. Rogers and his assigns may lay vessels at said wharves, and receive wharfage and dockage therefor.

SECTION 3. This act shall not impair the legal rights of any person.

Approved February 3, 1865.

Chap. 6. AN ACT TO AUTHORIZE THE SUFFOLK SAVINGS BANK FOR SEAMEN AND OTHERS TO HOLD REAL ESTATE.

Be it enacted, &c., as follows:

May hold estate in Boston for banking purposes.

SECTION 1. The Suffolk Savings Bank, for seamen and others, is hereby authorized to hold real estate in the city of Boston, to an amount not exceeding one hundred and fifty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site and the erection or preparation of a suitable building, to be used for banking purposes; and any income arising from such real estate shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1865.

Chap. 7. AN ACT EMPOWERING CITIES TO RE-ESTABLISH THEIR WARDS.

Be it enacted, &c., as follows:

May make new division of wards in 1865, and decennially thereafter.

SECTION 1. The several cities of this Commonwealth may, if they shall deem it expedient, during the year eighteen hundred and sixty-five, and in every tenth year thereafter, by vote of their respective city councils, make a new division of their wards, so that they shall contain, as nearly as may be consistent with well-defined limits to each ward, an equal number of voters in each ward, according to the census to be taken in the month of May in said years, anything in chapters eight and nineteen of the General Statutes to the contrary notwithstanding: *provided, however*, that such new division of wards shall not go into effect before the tenth day of November, in any year in which said new division shall be made; and *provided, also*, that no more wards shall be created than are allowed to each city by its charter.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1865.

AN ACT IN ADDITION TO AN ACT IN RELATION TO BANKS.

Chap. 8.

Be it enacted, §c., as follows:

SECTION 1. The provisions of section first of chapter first of the acts of the year one thousand eight hundred and sixty-two, shall continue in force until the first day of February, in the year one thousand eight hundred and sixty-six.

Act of 1862 extended to February, 1866.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1865.

AN ACT TO INCORPORATE THE UNION INSTITUTION FOR SAVINGS IN THE CITY OF BOSTON.

Chap. 9.

Be it enacted, §c., as follows:

SECTION 1. Moses B. Williams, Patrick Donahoe, John C. Crowley, their associates and successors, are hereby made a corporation by the name of the Union Institution for Savings in the City of Boston, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws that now are or may hereafter be in force relating to institutions for savings.

Corporators.

Title.

Privileges.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1865.

AN ACT IN RELATION TO INSURANCE ASSESSMENTS.

Chap. 10.

Be it enacted, §c., as follows:

The provisions of the fifty-fourth section of the fifty-eighth chapter of the General Statutes are hereby extended, so that no assessment therein referred to shall be valid against any person who has not been duly notified thereof in writing, within two years after the expiration or cancellation of his policy.

Valid notice to be in writing within two years after voiding of policy.

Approved February 8, 1865.

AN ACT RATIFYING AN AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES, PROPOSED BY THE TWO HOUSES OF CONGRESS TO THE LEGISLATURES OF THE SEVERAL STATES.

Chap. 11.

Whereas the senate and house of representatives of the United States did, on the thirty-first day of January, one thousand eight hundred and sixty-five, resolve, two-thirds of both houses concurring, "That the following article be proposed to the legislatures of the several states, as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid to all intents and purposes as a part of the said constitution, namely:

Preamble, reciting action of Congress for proposal to legislatures of States.

"ARTICLE XIII.

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Article of amendment.

Congress may
enforce.

Ratification of
amendment by
Massachusetts.

"SECTION 2. Congress shall have power to enforce this article by appropriate legislation."

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said amendment be and it is hereby agreed to, ratified and confirmed, on the part of this Commonwealth, to become valid as part of the constitution of the United States, as soon as the same shall be ratified by three-fourths of the legislatures of the several states.

Approved February 8, 1865.

Chap. 12.

AN ACT TO INCORPORATE THE NATIONAL SAILORS' HOME.

Be it enacted, &c., as follows :

Corporators.

Title.

Purpose.

Privileges.

George B. Upton, Alexander H. Rice, James L. Little, their associates and successors, are hereby made a corporation by the name of the National Sailors' Home, for the purpose of establishing and maintaining in this Commonwealth a home for sailors, marines and others employed in the naval service of the United States, disabled by wounds, sickness, old age or otherwise, without regard to the place of their enlistment; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations, and with power to hold real and personal estate for the purposes above set forth.

Approved February 9, 1865.

Chap. 13.

AN ACT RELATING TO THE VENUE OF ACTIONS BY OR AGAINST EXECUTORS AND ADMINISTRATORS.

Be it enacted, &c., as follows :

May be brought
as at decease of
testator or intestate.

SECTION 1. Transitory actions, by or against executors or administrators, may be brought in any county in which such action might have been brought by or against the testator or intestate, at the time of his decease.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1865.

Chap. 14.

AN ACT AMENDING THE CHARTER OF THE PAWNERS' BANK.

Be it enacted, &c., as follows :

May loan on
savings deposit
books, and U. S.
and Mass. securi-
ties to four-fifths
of value.

SECTION 1. The Pawnors' Bank, in the city of Boston, is hereby authorized to loan on pledge of the deposit books of savings banks, and on pledge of bonds and other securities of the United States and of this Commonwealth, and it shall be lawful to loan on the same to four-fifths of their appraised value.

Deposit books not
redeemed within
limitation need

SECTION 2. In case the savings bank deposit books aforesaid, pledged to the bank, shall not be redeemed within the

time limited, it shall not be necessary for the bank to sell the same at public auction, but said bank may convert the same or so much thereof as may be necessary to pay the debt, in such mode and at such time as in the judgment of the directors will best secure the interests of all parties, holding the net surplus in accordance with the eighth section of the charter of said Pawnors' Bank.

not be sold, but may be used in the discretion of directors.

SECTION 3. The said Pawnors' Bank is hereby authorized to invest in the aforesaid bonds and other securities of the United States and of this Commonwealth, such portion of its capital as is not employed in its regular loans.

Bank may invest in said State or U. S. securities; capital not employed in loans.

SECTION 4. This act shall take effect upon its passage.

Approved February 9, 1865.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE AMERICAN WATCH COMPANY.

Chap. 15.

Be it enacted, &c., as follows:

SECTION 1. The American Watch Company, in the town of Waltham, may increase its capital stock to an amount not exceeding five hundred thousand dollars, in addition to the amount now allowed by law, the same to be divided into shares of one hundred dollars each.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1865.

AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE WRENTHAM BRANCH RAILROAD.

Chap. 16.

Be it enacted, &c., as follows:

The time allowed to the Wrentham Branch Railroad Company for the construction of its railroad, is hereby extended to the first day of May, in the year one thousand eight hundred and sixty-seven.

Extended to May 1, 1867.

Approved February 9, 1865.

AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE UNION MUTUAL FIRE INSURANCE COMPANY, IN BOSTON.

Chap. 17.

Be it enacted, &c., as follows:

SECTION 1. The act of the year one thousand eight hundred and forty-three, entitled An Act to incorporate the Union Mutual Fire Insurance Company, and all acts in addition thereto or in amendment thereof, shall be, remain and continue in force, from and after the twenty-second day of March, in the year one thousand eight hundred and seventy-one; and said Union Mutual Fire Insurance Company shall continue to have and enjoy all the powers and privileges and be subject to all the duties and liabilities of a mutual fire insurance company from and after said date, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time.

Extended without limitation of time.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1865.

Chap. 18. AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE BOSTON, BARRE AND GARDNER RAILROAD.

Be it enacted, &c., as follows:

Extended to May 1, 1868.

The time allowed to the Boston, Barre and Gardner Railroad Company for the construction of its railroad, is hereby extended to the first day of May, in the year one thousand eight hundred and sixty-eight. *Approved February 9, 1865.*

Chap. 19. AN ACT CONCERNING THE MILITIA.

Be it enacted, &c., as follows:

Captain enrolling and returning militia of district, under Act of '64, chap. 233, to be paid upon warrant of governor, under pay-roll of adjutant-general.

SECTION 1. The captain of the standing company in any military district, who shall enroll the militia in said military district, according to the provisions of the two hundred and thirty-eighth chapter of the acts of the year eighteen hundred and sixty-four, and who shall make correct returns of the same, according to law, shall receive a compensation of fifty dollars, to be paid from the treasury, upon the warrant of the governor, and according to a pay-roll to be made up by the adjutant-general.

Compensation for revising and returning rolls of district, as required by law.

SECTION 2. The captain of the standing company in any military district, who is required by law to revise and correct the enrollment rolls of the said military district, and to make annual returns of such revised and corrected rolls, shall, upon the performance of such duty in any year, receive a compensation of twenty-five dollars, to be paid from the treasury upon the warrant of the governor, and according to a pay-roll to be made up by the adjutant-general.

Return of family of soldier, under sect. 10, Act of '64, requirements modified.

SECTION 3. So much of the tenth section of the two hundred and thirty-eighth chapter of the acts of the year eighteen hundred and sixty-four, as requires the roll of each company to state what parents, brothers or children each man enrolled in said company may have living, and their respective names, ages and residence, is hereby repealed.

Age nor non-enrollment not to render citizen ineligible to office in militia.

SECTION 4. No citizen of the Commonwealth above the age of forty-five years shall, on account of such age, be ineligible to office in the militia, nor incapable of serving in a volunteer company, and no citizen of the Commonwealth, otherwise qualified, shall be ineligible to office in the militia from not having been enrolled therein.

Armory of company from contiguous towns, location how determined.

SECTION 5. When a company is formed from different towns, the commanding officer shall determine, subject to the approval of the quartermaster-general, in which town the armory shall be located, and the place of such armory may be changed by the said commanding officer, with the approval of the quartermaster-general.

Act of '64 inconsistent with sect. 5, repealed.

SECTION 6. So much of section eighty-nine of chapter two hundred and thirty-eight of the acts of the year eighteen

hundred and sixty-four, as is inconsistent with the provisions of the preceding section, is hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved February 15, 1865.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE ROAD OF THE SOUTH DANVERS AND LYNN STREET RAILWAY COMPANY. *Chap. 20.*

Be it enacted, &c., as follows :

The time allowed the South Danvers and Lynn Street Railway Company to construct its road, is hereby extended to the thirteenth day of November, in the year eighteen hundred and sixty-seven. *Extension to Nov. 13, '67.*

Approved February 15, 1865.

AN ACT TO AUTHORIZE THE BROADWAY RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK. *Chap. 21.*

Be it enacted, &c., as follows :

SECTION 1. The Broadway Railroad Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

AN ACT IN ADDITION TO AN ACT INCORPORATING THE WILLISTON SEMINARY. *Chap. 22.*

Be it enacted, &c., as follows :

SECTION 1. The Williston Seminary is hereby authorized to hold real and personal estate to the value of one hundred and twenty thousand dollars in addition to the amount which it is now authorized to hold ; the same to be applied to purposes specified in the act incorporating said seminary. *May increase real and personal estate.*

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

AN ACT TO INCORPORATE THE CHURCH OF OUR REDEEMER, IN HOLLISTON. *Chap. 23.*

Be it enacted, &c., as follows :

SECTION 1. George T. Daniels, Frank O. Paddleford, Amasa C. Daniels, their associates and successors, are hereby made a corporation, by the name of the Church of Our Redeemer, in Holliston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or may hereafter be in force, relating to such corporations, with power to hold real and personal estate to an amount not exceeding in value the sum of twenty thousand dollars. *Corporators. Title. Privileges. Estate.*

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

Chap. 24. AN ACT TO AUTHORIZE OBED BAKER, THIRD, TO BUILD A WHARF IN SOUTH DENNIS.

Be it enacted, &c., as follows :

Authority. Obed Baker, third, proprietor of land situate on the east side of Bass River, in that part of Dennis called South Dennis, is hereby authorized to build and maintain a wharf adjacent to his land aforesaid, and to extend the same into said river a distance of not more than seventy feet from high water mark, with a right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor :

Proviso. *provided*, that this grant shall in no wise impair the legal rights of any person.

Approved February 15, 1865.

Chap. 25. AN ACT TO INCORPORATE THE MARLBOROUGH GAS LIGHT COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Samuel Boyd, Thomas Corey, Joseph Boyd, their associates and successors, are hereby made a corporation by the name of the Marlborough Gas Light Company,

Title. for the purpose of manufacturing and selling gas in the town of Marlborough, with all the powers and privileges, and

Purpose. subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

May use streets with consent of selectmen. SECTION 2. Said corporation, with the consent in writing of the selectmen of said town, shall have power and authority to dig up and open the grounds in any of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as may be necessary to accomplish the object of the corporation and for the purpose

Private rights not to be affected. aforesaid ; but such consent shall not affect the right or remedy to recover damages for any injury which shall be caused to persons or property by the doings of such corporation. They shall put all such streets, lanes and highways

Streets and ways opened to be restored. which are opened, into as good repair as they were in when they were opened, and upon failure so to do within a reasonable time, shall be deemed guilty of a nuisance.

Corporation to be under restraint and control of selectmen. The said selectmen shall at all times have power to regulate, restrain and control all acts and doings of the said corporation which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

Capital stock and estate defined. SECTION 3. Said corporation may hold such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of twenty thousand dollars ; and the whole capital stock shall not exceed the sum of fifty thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved February 15, 1865.

AN ACT TO INCORPORATE THE NATIONAL DOCK AND WAREHOUSE COMPANY. *Chap. 26.**Be it enacted, &c., as follows:*

SECTION 1. Elisha T. Loring, Elijah D. Brigham, Samuel Gould, their associates and successors, are hereby made a corporation, by the name of the National Dock and Warehouse Company, with power to purchase and hold the whole or any part of the real estate, with all the rights, easements, privileges and appurtenances thereto belonging, situate in East Boston, and bounded and described as follows, namely: North-easterly by Sumner street, south-easterly by Lewis street and by land and pier held and occupied by the East Boston Ferry Company, south-westerly by the Commissioners' line, and north-westerly by the Carleton estate, so called; also, all the right, title, interest and reversion, of the East Boston Wharf Company or its assigns in the fee of Lewis street, and in the land, piers, docks and other real estate, of the East Boston Ferry Company adjoining the first described land, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Title.

Privileges.

Location.

East Boston Wharf and Ferry Companies' titles and reversion secured.

SECTION 2. Said corporation may use, improve and manage the premises aforesaid, and the warehouses, buildings and improvements thereon, and may erect other warehouses and buildings on the same; may mortgage, lease, sell and convey said premises, or any part thereof; may maintain and construct wharves and docks upon said premises, and lay vessels thereat, and receive wharfage and dockage therefor, and do all other business connected therewith, and with the use and enjoyment of said premises: *provided, however,* that nothing herein contained shall be deemed to authorize the building of any wharf or dock now forbidden or unauthorized by law.

Powers of new corporation.

Proviso.

SECTION 3. The capital stock of said corporation shall not exceed one million dollars, and shall be divided into shares of one hundred dollars each. Said corporation may hold such personal property as may be necessary or convenient for the purposes set forth in this act.

Capital stock and shares.

Personal estate.

SECTION 4. This act shall take effect upon its passage.

Approved February 17, 1865.

AN ACT IN RELATION TO THE ROCKPORT STEAM COTTON MILLS.

*Chap. 27.**Be it enacted, &c., as follows:*

SECTION 1. All the acts done by David Kimball, Eliab P. Mackintire and Newell Giles, claiming to be treasurers of the

Acts of nominal treasurers made valid.

Rockport Steam Cotton Mills, for and during the time for which they may have been severally elected by the board of directors of such corporation, are hereby made valid and confirmed to the same extent as they would have been valid had they been during the same time regularly elected by the stockholders.

Form of election
required reaf-
firmed.

SECTION 2. Nothing in this act shall be construed to authorize a future election of treasurer in any other manner than that which is required by law.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1865.

Chap. 28.

AN ACT TO CHANGE THE NAME OF THE BALDWIN PLACE BAPTIST SOCIETY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Name changed.

SECTION 1. The name of the Baldwin Place Baptist Society is hereby changed to Second Baptist Society in Boston.

Society may sell
its real property
and erect new
house.

SECTION 2. The said Second Baptist Society is hereby authorized to sell and convey its meeting-house, in Baldwin place, in the city of Boston, with the land occupied and improved therewith, on such terms as it may think expedient, and to erect a new meeting-house on Canton street or elsewhere in said Boston.

Rights and privi-
leges of proprie-
tors defined.

SECTION 3. The proprietors of pews in said meeting-house shall continue members of the corporation until the new meeting-house is finished and twenty pews therein are sold, unless they sooner convey their said pews in said meeting-house in Baldwin place; and after twenty pews in the said new meeting-house are sold, the proprietors of pews in said new meeting-house shall be the sole members of the corporation: *provided*, that nothing herein contained shall be construed so as to impair the legal rights of the owner of any pew in said Baldwin place meeting-house.

SECTION 4. This act shall take effect upon its passage.

Approved February 17, 1865.

Chap. 29.

AN ACT TO AUTHORIZE THE CONGREGATIONAL SOCIETY OF GROVELAND TO TAX THE PEWS IN ITS MEETING-HOUSE.

Be it enacted, &c., as follows :

SECTION 1. All sums of money which shall hereafter be voted to be raised by the Congregational Society of Groveland, for the purpose of repairing its meeting-house, shall be assessed upon the pews in said meeting-house, according to a valuation of said pews which shall be fixed by the society; and all assessments upon the pews, as aforesaid, may be collected in the manner provided by an act authorizing the proprietors of churches, meeting-houses and other houses of

public worship, to regulate and manage their property and interests therein, approved on the twenty-fourth day of February, in the year one thousand eight hundred and eighteen.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1865.

AN ACT TO AUTHORIZE ELIJAH DOANE TO BUILD A WHARF IN PROVINCETOWN.

Chap. 30.

Be it enacted, &c., as follows :

Elijah Doane, owner of land and flats in Provincetown, is hereby authorized to build and maintain a wharf in the harbor of said Provincetown, adjacent to his land and flats aforesaid, and extending to low-water mark in said harbor, with a right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that if a commissioners' line is hereafter duly established by authority of law, in the harbor of said Provincetown, said wharf shall not be maintained beyond such line; and *provided, also*, that this grant shall in no wise impair the legal rights of any person.

Approved February 17, 1865.

AN ACT TO PROMOTE THE SAFETY OF TRAVELLERS ON HIGHWAYS.

Chap. 31.

Be it enacted, &c., as follows :

SECTION 1. Cities and towns may by ordinance or by-law prohibit persons from riding or driving horses, or other beasts of burthen, carriage or draught, in or upon any of the streets or ways for public travel therein, at a rate of speed which they deem inconsistent with the public safety or convenience, under such penalties as they are authorized to impose for breaches of other ordinances or by-laws.

Cities and towns may regulate rate of speed of travel in and affix penalties for violation.

SECTION 2. A person violating a provision of such ordinance or by-law, may be apprehended by a sheriff, deputy sheriff, constable, police officer or watchman, without a written warrant, and kept in custody in a convenient place, not more than twenty-four hours, Sundays excepted; at or before the expiration of which time he shall be brought before a justice of the peace or police court, and proceeded against according to law.

Persons offending may be apprehended without written warrant.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1865.

AN ACT CONCERNING THE MASSACHUSETTS BOUNTY FUND.

Chap. 32.

Be it enacted, &c., as follows :

SECTION 1. Chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, entitled "An Act to establish the Massachusetts Bounty Fund, and to

Scrip issued under Act of 1864 may be expressed in the currency of Britain.

create a sinking fund for its redemption," is hereby so amended as to allow so much of the scrip therein authorized as the governor and council may deem expedient, to be expressed in the sterling currency of Great Britain, instead of the currency of the United States.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1865.

Chap. 33.

AN ACT RELATING TO COSTS IN CERTAIN CASES.

Be it enacted, &c., as follows :

Briefs for arguments, expense of printing to be allowed.

SECTION 1. In all proceedings at law or in equity, the party entitled to costs shall be allowed such sum as the court may deem reasonable, not exceeding ten dollars in any one case, for expenses actually incurred in printing copies of briefs required for the argument of cases on the law docket of the supreme judicial court.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1865.

Chap. 34.

AN ACT TO SET OFF A PART OF THE TOWN OF CHELMSFORD AND ANNEX THE SAME TO THE TOWN OF CARLISLE.

Be it enacted, &c., as follows :

Bounds defined.

SECTION 1. So much of the town of Chelmsford as lies southerly of the following described line, to wit, beginning at a point where the towns of Billerica, Carlisle and Chelmsford meet, and running thence north sixty-two degrees and twenty-five minutes west two hundred rods, thence south eighty-three degrees and thirty-five minutes west three hundred and eighty rods, thence south seventy degrees and thirty-five minutes west three hundred and sixty-eight rods to a point where the towns of Westford, Carlisle and Chelmsford meet, with the inhabitants thereon, is hereby set off from said town of Chelmsford and annexed to the said town of Carlisle: *provided*, that the said land and the inhabitants thereon shall be holden to pay all such taxes as already have been lawfully assessed on them by said town of Chelmsford.

Proviso.

Line declared established.

SECTION 2. The line described in the preceding section is hereby established as the boundary line between the said towns of Carlisle and Chelmsford.

Approved February 17, 1865.

Chap. 35.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE ALMSHOUSES, THE HOSPITAL AT RAINSFORD ISLAND, THE SUPPORT AND RELIEF OF STATE LUNATIC PAUPERS, THE REFORM SCHOOL AT WESTBOROUGH AND THE NAUTICAL BRANCH THEREOF, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations for current year.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth,

from the ordinary revenue, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, eighteen hundred and sixty-five, to wit:—

CHARITABLE.

For the state almshouse at Tewksbury, a sum not exceeding sixty-six thousand dollars.

Almshouses:
Tewksbury.
G. S. 71.

For the state almshouse at Monson, a sum not exceeding forty-five thousand dollars.

Monson.
G. S. 71.

For the state almshouse at Bridgewater, a sum not exceeding forty-two thousand dollars.

Bridgewater.
G. S. 71.

For the hospital at Rainsford Island, a sum not exceeding twenty thousand dollars.

Rainsford Island
hospital.
G. S. 71.

For the department of the general agent and for the expenses of the board of state charities, a sum not exceeding fifteen hundred dollars.

State Charities,
board of and
agent.
Acts '63, 240, § 7.

For the department of the secretary of the board of state charities, a sum not exceeding one thousand dollars.

Secretary of
board.
Acts '63, 240, § 3.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding ninety thousand dollars.

Lunatic paupers,
State, in hospi-
tals, support.
G. S. 73; Acts
'63, 240, § 9.

For the transportation of state paupers, to be expended by the board of state charities, a sum not exceeding eight thousand dollars: *provided*, the same shall be expended only in the transportation of state paupers from the several hospitals and almshouses; and a detailed report of such expenditures shall be rendered to the auditor of the Commonwealth, on the first day of every month.

Transport of pau-
pers from State
almshouses and
hospitals, by
board charities.

For the transportation of state paupers to almshouses, a sum not exceeding three hundred and fifty dollars.

Report to auditor
required.
G. S. 71, § 7; Acts
'63, 240.

For the support of state paupers by the cities and towns, a sum not exceeding fifteen hundred dollars.

Transport to
almshouses.
G. S. 71, § 36.

For the burial of state paupers, a sum not exceeding three thousand dollars.

Support of by
municipalities.
G. S. 71, §§ 43, 44.

For the expenses of coroners' inquests, a sum not exceeding fifteen hundred dollars.

Burial of.
G. S. 70, § 15.

For expenses incurred on account of Indians, a sum not exceeding three thousand dollars, viz.: to the guardian of the Troy Indians, for their support, a sum not exceeding seven hundred dollars, and for the salary of said guardian, the sum of one hundred dollars; to the guardian of the Dudley Indians, for their support, a sum not exceeding nine hundred dollars, and for the salary of said guardian, one hundred dollars; and to the treasurer of the Marshpee Indians, for the support of certain old state paupers, a sum not exceeding two hundred dollars.

Coroners' in-
quests, expenses.
G. S. 157, § 6;
175, §§ 14, 15.

Indians, for sup-
port.

Troy.

Dudley.

Marshpee.
G. S. 14, § 48, and
sundry Res.

Pensions.

For pensions, a sum not exceeding five hundred dollars.

Sinking fund,
almshouse loan.
Acts '54, 355.

To the almshouse loan sinking fund for the redemption of scrip, the sum of three thousand dollars.

Asylum for blind.
Res. '64, 56.

For the Perkins' institution and Massachusetts asylum for the blind, the sum of sixteen thousand dollars.

School for idiots.
Res. '62, 26.

For the Massachusetts school for idiotic and feeble-minded youth, the sum of nine thousand dollars.

Deaf mutes, support.
Res. '29-'47 and
'64, 41, 94, 38.

For the support of Massachusetts beneficiaries in the asylum for deaf and dumb at Hartford, the sum of thirteen thousand one hundred dollars.

Martha Johannot annuities.
Res. '41, 65.

For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johannot, a sum not exceeding one thousand seven hundred and forty dollars.

Persons a public charge, certain, for removal.
G. S. 71.

For the removal of persons becoming a public charge, not authorized to be removed by existing laws, a sum not exceeding five hundred dollars.

REFORMATORY AND CORRECTIONAL.

State Prison, expenses.
Acts '64, 303.

For expenses of the state prison, a sum not exceeding seventy-five thousand dollars.

Reform School, for current expenses.

For expenses of the state reform school for boys at Westborough, a sum not exceeding fifty thousand dollars; said sum to be expended solely for the current expenses of said institution; and all sums received by said institution from cities and towns for the support of boys in said school shall be paid into the treasury of the Commonwealth; and no money appropriated by this act shall be expended by the trustees of said school for the erection of new buildings.

Receipts from cities and towns to be paid Commonwealth.

For the current expenses of the nautical branch of the state reform school, a sum not exceeding twenty-five thousand dollars; and all sums received by said institution from cities and towns for the support of boys in said branch shall be paid into the treasury of the Commonwealth.

Limitation of expenditure.
G. S. 76.

Nautical Branch Reform School, expenses.

Receipts from cities and towns to be paid Commonwealth.
G. S. 76.

Industrial School, expenses.
G. S. 75.

For the current expenses of the state industrial school for girls at Lancaster, a sum not exceeding eighteen thousand dollars.

Arrest of fugitives, expenses.
G. S. 177.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.

Agent discharged convicts, salary and expenses.
Acts '61, 78.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars; and for the expenditures of said agent, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1865.

AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE *Chap. 36.*
DEDHAM MUTUAL FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows :

SECTION 1. The act of the year one thousand eight hundred and thirty-seven, entitled An Act to incorporate the Dedham Mutual Fire Insurance Company, and all acts in addition thereto or in amendment thereof, shall be, remain and continue in force, from and after the twenty-second day of February eighteen hundred and sixty-five, and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions of a mutual fire insurance company from and after said date, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time. Charter extended without limitation of time.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1865.

AN ACT TO INCORPORATE THE CHELSEA FIRE INSURANCE COMPANY. *Chap. 37.*

Be it enacted, &c., as follows :

SECTION 1. Jesse Gould, Nehemiah Boynton, Noble M. Perkins, their associates and successors, are hereby made a corporation by the name of the Chelsea Fire Insurance Company, in the city of Chelsea, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are, or hereafter may be, in force, relating to such corporations. Corporators. Title. Purpose. Powers and liabilities.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to two hundred thousand dollars, and shall have a right to hold real estate for its own use not exceeding ten thousand dollars. Capital stock and shares. Real estate.

SECTION 3. Said corporation may commence business when one hundred thousand dollars of its capital stock shall have been subscribed and paid in in cash. Condition of corporate power.

SECTION 4. This act shall take effect upon its passage.

Approved February 18, 1865.

AN ACT TO INCORPORATE THE PROPRIETORS OF THE MAPLE GROVE CEMETERY. *Chap. 38.*

Be it enacted, &c., as follows :

SECTION 1. James T. Ames, Benning Leavitt, Sylvanus Adams, their associates and successors, are hereby made a corporation by the name of the Proprietors of the Maple Grove Cemetery, for the purpose of holding, managing and Corporators. Title. Purpose.

Powers and liabilities.

Conveyance to of property and rights authorized upon organization of corporation.

perpetuating a burial-place in the town of Chicopee, with all the powers and privileges, and subject to all the duties, restrictions and liabilities provided in the first three sections of chapter twenty-eight of the General Statutes.

SECTION 2. Benning Leavitt is hereby authorized, whenever said corporation shall be duly organized, to release and convey to said corporation all the real estate and rights of property which he holds as survivor under the deeds by which the Springfield Canal Company heretofore conveyed certain lands in Chicopee to James K. Fletcher, Benning Leavitt, and Austin Chapin, second, in trust for the use of the inhabitants of Cabotville, to be set apart as a burial ground for the said village.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1865.

Chap. 39. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT YEAR.

Be it enacted, §c., as follows :

Appropriations authorized for purposes specified.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, eighteen hundred and sixty-five, to wit:—

LEGISLATURE.

Printing, legislature.
Res. '56, '74.

For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding twenty-five thousand dollars.

Stationery, senate.
Res. '56, '74.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding nine hundred dollars.

Stationery, house of representatives.
Res. '56, '74.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand dollars.

Printing, certain, senate.
Res. '56, '74.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the senate, a sum not exceeding six hundred dollars.

Printing, certain, house.
Res. '56, '74.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding seven hundred dollars.

Expenditures by sergeant-at-arms for legislature.
G. S. 14.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms, for the legislature, a sum not exceeding six hundred dollars.

Expenses of committees.
G. S. 15.

For the authorized expenses of committees of the legislature, a sum not exceeding eight hundred dollars.

For clerical assistance to committees authorized to employ the same, a sum not exceeding three hundred dollars; and the auditor is hereby authorized to audit bills for such assistance, the same having been approved by the chairman of such committees, or other members authorized by the committees to certify such accounts.

Clerical assistance to committees.
G. S. 15.

EXECUTIVE DEPARTMENT.

For postage, printing and stationery for the governor and council, a sum not exceeding five hundred dollars.

Postage, stationery, etc., executive department.
Res. '56, '74.
Council, contingent.
G. S. 14.

For the contingent expenses of the council, a sum not exceeding one thousand dollars.

For contingent fund of the governor and council, for military purposes, a sum not exceeding ten thousand dollars, which shall be allowed and paid.

Governor and council, military contingent.

For any expenses which may be incurred under the authority of the governor and approved by him, in the maintenance of agencies at such places out of this Commonwealth as he may find needful, for the oversight and aid of sick and wounded or distressed Massachusetts soldiers, and in the necessary and proper disbursements incident thereto, a sum not exceeding twenty-five thousand dollars, which shall be allowed and paid.

Agencies in other States for aid of Mass. soldiers.

STATE HOUSE.

For fuel and lights for the state house a sum not exceeding four thousand dollars.

Fuel and lights for capitol.
G. S. 14.

For repairs, improvements and furniture of the state house, a sum not exceeding thirty-five hundred dollars.

Furniture, repairs, etc.
G. S. 14.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding fifteen hundred dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act, or in any act which may be subsequently passed.

Senate and house contingent.

Proviso.
G. S. 14.

STATE PRINTING.

For printing such number, not exceeding seventy-five thousand, of the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding fourteen thousand dollars.

Printing general laws.
G. S. 3.

For printing and binding two thousand five hundred copies of the "blue book" edition of the acts and resolves of the present year, with the governor's messages and other

"Blue book" edition of laws and resolves.
G. S. 3.

Publication of
general laws.
G. S. 3.

matters, in the usual form, a sum not exceeding three thousand dollars.

For the publication of the general laws, and all other information intended for the public, a sum not exceeding three hundred dollars.

Blanks for re-
turns births,
marriages and
deaths.
G. S. 21.

For the printing and binding of blanks for the use of cities and towns, in the registration of births, marriages and deaths, a sum not exceeding five hundred dollars.

Printing and
binding public
documents.
G. S. 4.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-five, under the direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the towns and cities, a sum not exceeding thirty thousand dollars.

Supreme judicial
court reports.
Acts '59, 290.

For term reports, a sum not exceeding sixty-five hundred dollars.

Publication of
bank returns.
G. S. 57.
Assessors' books.
Acts '61, 167.

For the weekly and monthly publication of bank returns, a sum not exceeding five hundred dollars.

For assessors' books, a sum not exceeding two thousand dollars.

Printing returns
of assessors re-
lating to certain
taxes.
Acts '61, 171.

For printing blanks and abstracts of the returns of assessors relating to the assessment of taxes on the shares of corporations and deposits in savings institutions, a sum not exceeding thirty-five hundred dollars.

Printing and
binding rail-
road reports.
Acts '62, 135;
Acts '64, 167.

For printing and binding the annual railroad reports, a sum not exceeding fifteen hundred dollars.

Printing for re-
turns of aid to
soldiers' families.

For printing blanks for returns from cities and towns, of aid rendered to the families of volunteers, a sum not exceeding three hundred and fifty dollars, which shall be allowed and paid.

Numbering bank
note impressions.

For the numbering of bank note impressions, the sum of two hundred and fifty dollars, the same to be paid from the amount assessed on banks for expenses incurred on their account in the auditor's department, which shall be allowed and paid.

INCIDENTAL EXPENSES.

Incidental:
Secretary.
G. S. 14.

For incidental expenses of the secretary's office, a sum not exceeding four thousand dollars.

Treasurer.
G. S. 11, 15.

For incidental expenses of the treasurer's office, a sum not exceeding four thousand dollars.

Auditor.
G. S. 15, 57.

For incidental expenses of the auditor's office, a sum not exceeding four hundred dollars.

Attorney-general
books, fees, costs,
and court and
office expenses.
G. S. 14.

For the purchase of books for the library in the office of the attorney-general, a sum not exceeding one hundred dollars, which shall be allowed and paid. For fees, costs and court expenses of the attorney-general, and for inci-

dental expenses in the office of the attorney-general, a sum not exceeding five hundred dollars.

For incidental expenses of the bank commissioners, a sum not exceeding one hundred and fifty dollars.

For the incidental expenses of the insurance commissioners, a sum not exceeding five hundred dollars, and for express charges and insurance publications, a sum not exceeding one hundred dollars.

For the incidental expenses of the commissioners on corporation taxes, a sum not exceeding twenty-five hundred dollars.

MILITARY.

For the incidental expenses and express charges of the adjutant-general, a sum not exceeding five thousand dollars.

For the expenses of the quartermaster-general's department, a sum not exceeding four thousand dollars.

For the expenses of the department of the master of ordnance, a sum not exceeding fifteen thousand dollars.

For militia bounty, a sum not exceeding twenty thousand dollars.

For military accounts, a sum not exceeding ten thousand dollars.

For the rent of armories, a sum not exceeding ten thousand dollars.

For the reimbursement of cities and towns for money paid on account of aid to families of Massachusetts volunteers, a sum not exceeding two million five hundred thousand dollars; the same to be payable on the first day of December, eighteen hundred and sixty-five.

For uniforms and quartermasters' supplies for the equipment of the state militia, a sum not exceeding seven hundred and fifty thousand dollars.

For expenses of the paymasters' department, a sum not exceeding twelve thousand five hundred dollars.

For the expenses of the surgeon-general's department, a sum not exceeding five thousand dollars.

AGRICULTURAL.

For bounties to agricultural societies, a sum not exceeding fourteen thousand five hundred dollars.

For the travelling expenses of members of the board of agriculture, a sum not exceeding twelve hundred dollars.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Bank commissioners, expenses.
G. S. 57.

Insurance commissioners, expenses, etc.
G. S. 58.

Corporation tax commissioners, expenses.
Acts '64, 208.

Military :
Adjutant-general expenses.
G. S. 13.

Quartermaster-general.
Acts '61, 219.

Master of ordnance.
Acts '61, 219.

Militia bounty.
G. S. 13.

Accounts.
G. S. 13.

Armories, rent.
G. S. 13.

Reimbursement of money paid soldiers' families by towns.
Acts '61, 222;
Acts '62, 66, 151;
Acts '63, 79, 176;
Acts '64, 47, 143.

Equipment of state militia.
Acts '64, 238.

Paymasters' department.
Acts '61, 219, § 17.

Surgeon-general's department.
Acts '61, 219.

Agricultural :
Bounties, society.
G. S. 66.

Board of agriculture, bounties.
G. S. 16.

Secretary, travel, postage, etc.
Res. '53, 67.

Incidental.
G. S. 16.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars.

Printing report.
Res. '56, 74.

For printing copies of the report of the board of agriculture, a sum not exceeding twelve thousand dollars.

State cabinet.

For the state cabinet, a sum not exceeding two hundred dollars, which shall be allowed and paid.

MISCELLANEOUS.

Commissioners
on public lands,
pay, assistance
and expenses.
Res. '57, 70; Acts
'60, 200, § 3; Acts
'64, 313.

For the compensation of the commissioners on public lands and for such clerical assistance as they may find necessary, a sum not exceeding thirty-five hundred dollars; for contingent and incidental expenses of said commissioners, a sum not exceeding one hundred dollars; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes.

Sheriffs, for dis-
tributing blanks,
etc.
G. S. 157.

To the sheriffs of the several counties, for distributing blanks and making returns of votes, a sum not exceeding eight hundred and fifty dollars.

State library, for
books.
G. S. 5.

For the purchase of books for the state library, twenty-three hundred dollars, to be expended under the direction of the trustees and librarian.

Inspector of gas-
meters, salary.
Acts '61, 168.

For salary and expenses of the inspector of gasmeters, a sum not exceeding three thousand dollars.

Emergency fund.
Acts '58, 22.

For the emergency fund, ten thousand dollars, which is hereby made applicable to, and may be used during the present political year, for the purposes and under the provisions and limitations now provided by law.

Union loan sink-
ing fund.

To the union loan sinking fund, established under chapter two hundred and nine, section two, of the acts of the year eighteen hundred and sixty-one, to be invested in accordance with the provisions of chapter one hundred and eighty-seven, of the acts of the year eighteen hundred and sixty-two, the sum of one hundred and sixteen thousand dollars.

Bounty loan
sinking funds.

To the bounty loan sinking fund, established under chapter ninety-one of the acts of eighteen hundred and sixty-three, to be invested in accordance with the provisions of section five of said chapter, the sum of twenty thousand dollars.

To the bounty loan sinking fund, established under chapter three hundred and thirteen of the acts of eighteen hundred and sixty-four, to be invested in accordance with the provisions of section three of said chapter, the sum of sixty-four hundred and twenty dollars.

Street railway
commissioners.
Res. '64, 86.

For the compensation and expenses of the street railway commissioners, a sum not exceeding one thousand dollars.

For the compensation and the expenses of the commissioners on harbors and flats, a sum not exceeding three thousand dollars.

Commissioners on harbors and flats, pay. Res. '62, 88.

For fitting up the office of the auditor of accounts, to be allowed and paid, a sum not exceeding three hundred dollars, the same to be expended under the direction of the auditor.

Auditor's department, fixtures.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1865.

AN ACT MAKING APPROPRIATIONS FROM THE FUNDS AND THE INCOME OF THE FUNDS HEREIN MENTIONED, AND FOR OTHER PURPOSES.

Chap. 40.

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the funds and the income of the funds mentioned herein, to wit :—

Appropriations authorized.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Rogers book fund, income.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Todd normal school fund, income.

The income of the Indians' school fund shall be applied according to the provisions of chapter thirty-six of the General Statutes.

Indians' school fund.

SECTION 2. The sums mentioned in this section are appropriated to be paid out of the Charles River and Warren bridge fund, for the year eighteen hundred and sixty-five, to wit :—

Charles River and Warren bridge fund. Acts '64, 257.

On account of the Charles River bridge,—

For repairs on said bridge and buildings belonging thereto, a sum not exceeding twenty-nine hundred dollars.

Charles River bridge. Repairs.

For horse-keeping, a sum not exceeding two hundred dollars.

Horse-keeping.

For gas, oil, fluid and fuel, a sum not exceeding six hundred dollars.

Fuel and lights.

For incidental expenses, a sum not exceeding two hundred and fifty dollars.

Incidental.

For the compensation of the draw-tender on said bridge, the sum of twelve hundred dollars.

Draw-tender. Acts '61, 96.

On account of the Warren bridge,—

Warren bridge.

For repairs on said bridge and buildings belonging thereto, a sum not exceeding fifteen hundred dollars.

Repairs.

For horse-keeping, a sum not exceeding two hundred dollars.

Horse-keeping.

Fuel and lights.	For gas, oil, fluid and fuel, a sum not exceeding six hundred dollars.
Incidental.	For incidental expenses, a sum not exceeding one hundred and fifty dollars.
Draw-tender. Acts '61, 96.	For the compensation of the draw-tender on said bridge, the sum of eleven hundred dollars.
Essex bridge tolls appropriated. Acts '59, 122.	SECTION 3. The sums mentioned in this section are appropriated to be paid out of the moneys arising from the tolls collected on the Essex bridge, for the year eighteen hundred and sixty-five, to wit:—
Agent. Acts '59, 122.	For the salary of the agent of said bridge, the sum of one hundred dollars.
Toll-gatherers and draw-tenders Acts '59, 122.	For the compensation of the toll-gatherers and draw-tenders upon said bridge, a sum not exceeding six hundred dollars.
Maintenance and repairs.	For the repair and maintenance of said bridge, a sum not exceeding twenty-five hundred dollars.
Lights.	For gas, oil and fluid, a sum not exceeding three hundred dollars.
Incidental.	For incidental expenses, a sum not exceeding thirty dollars.
Payment to state treasury.	And all moneys arising from the tolls on said bridge shall be paid into the state treasury.
Income of funds not provided for.	SECTION 4. In all cases for which no other provision is made by law, the income or any surplus thereof, of all funds belonging to or in custody of the Commonwealth, shall be added to the principal.

SECTION 5. This act shall take effect upon its passage.

Approved February 27, 1865.

Chap. 41. AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES.

Be it enacted, &c., as follows:

Appropriations authorized.	SECTION 1. The sums hereinafter mentioned in this section are appropriated and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, for the year eighteen hundred and sixty-five, to wit:—
State normal schools, support.	For the support of the four state normal schools for the current year, under the direction of the board of education, the sum of twenty-four thousand dollars.
Mass. teachers' association, provisional.	For the Massachusetts teachers' association, the sum of eight hundred dollars, on condition that said association shall furnish a copy of the "Massachusetts Teacher" to each school committee in the several cities and towns of the Commonwealth, during the year eighteen hundred and

sixty-five, and furnish satisfactory evidence thereof to the auditor.

For the American institute of instruction, the sum of three hundred dollars, to be paid to the president or treasurer of said institute in the month of August next.

American institute of instruction.

For postage, printing, advertising, stationery, the transportation of documents for the board of education, and for the secretary thereof, and also for any contingent expenses of the normal schools, not otherwise provided for, a sum not exceeding eight thousand dollars.

Board of education and secretary.
G. S. 34.

For teachers' institutes, the sum of twenty-eight hundred dollars.

Teachers' institutes.
G. S. 35.

For the support of state scholarships, the sum of forty-eight hundred dollars.

State scholarships.
G. S. 37.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars.

Normal pupils.

For the expenses of the members of the board of education, and the treasurer thereof, a sum not exceeding three hundred dollars.

Expenses board education.
G. S. 34.

For the support of certain Indian schools, the sum of four hundred and five dollars.

Indian schools.
G. S. 36.

For county associations of teachers, the sum of three hundred dollars.

Teachers' county associations.
Acts '64, 58.

For completing the room for the cabinet of natural history at the Westfield normal school, the sum of three hundred dollars.

Natural history cabinet, room.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1865.

AN ACT RELATING TO SUITS IN EQUITY.

Be it enacted, &c., as follows :

When a party to a suit in equity dies, and the cause by the rules of equity may be revived against or in favor of an executor, administrator, heir, devisee or other person, such representative may, in lieu of proceedings to revive the same, appear or be summoned to prosecute and defend in like manner as is provided in relation to suits at law.

Chap. 42.

Decease of party in equity to authorize suit at law.

Approved February 27, 1865.

AN ACT RELATING TO TRUSTEE PROCESS IN CASES OF ASSIGNMENT.

Be it enacted, &c., as follows :

SECTION 1. Whenever any goods, effects or credits, in the hands of a supposed trustee, are claimed by another person, by force of an assignment from the defendant, and such adverse claimant, being admitted as a party to the suit, as provided in section sixteen of chapter one hundred and forty-two of the General Statutes, shall establish the validity of

Chap. 43.

Valid claim under assignment for security of debt shall be allowed upon request of plaintiff.

Excess subject as before, unless disposed by court.

such assignment, and it shall appear that the same is held only as security for a debt, the court shall, upon the request of the plaintiff, proceed to ascertain and determine the amount due upon such debt at the time of the service of said process upon the trustee; and the excess in the hands of such trustee, above the amount so found due, shall be subject to be held by the trustee process, in the same manner and with the same effect as if no such assignment existed; or the court may proceed in the case in the same manner as is provided by sections sixty-eight, seventy and seventy-one of chapter one hundred and twenty-three of the General Statutes in relation to the attachment of personal property mortgaged.

Valid assignment of earnings to be of record upon service of process.

SECTION 2. No assignment of future earnings shall be valid against a trustee process, unless, before the service of such process upon the alleged trustee, the assignment shall have been recorded in the office of the clerk of the city or town where the assignor resides at the time of such record; and the provisions of section three of chapter one hundred and fifty-one of the General Statutes shall apply to such assignments.

G. S. 151, § 3, to apply.

Record not to affect except under section two.

SECTION 3. Such record shall not affect the rights or liability of the person or corporation, from whom such earnings are due, otherwise than is provided in section two of this act.

Approved February 27, 1865.

Chap. 44.

AN ACT RELATING TO THE DISCHARGE OF CONVICTS.

Be it enacted, &c., as follows:

Limitations of confinement for certain penalties.

SECTION 1. When a convict has been confined in a prison, house of correction, jail or other place of confinement, thirty days for fine, or fine and costs, not exceeding ten dollars, or forty days for fine, or fine and costs, not exceeding twenty dollars, he shall be discharged.

G. S. § 7, ch. 180, repealed.

SECTION 2. Section seven of chapter one hundred and eighty and section nine of chapter one hundred and seventy-four of the General Statutes, are hereby repealed.

Approved February 27, 1865.

Chap. 45.

AN ACT CONCERNING THE INDORSEMENT OF WRITS.

Be it enacted, &c., as follows:

Non-resident plaintiff may furnish indorser when omitted by oversight, after entry in court.

SECTION 1. When it appears to the court in a case now pending, or hereafter to be commenced, that a plaintiff, resident out of the Commonwealth, has, by accident, mistake or inadvertence, failed to have his writ, bill or process indorsed according to the provisions of section twenty, chapter one hundred and twenty-three of the General Statutes, the court may, in any stage of the case, allow him, upon such terms

as seem just and reasonable, to furnish an indorser with the same effect as if the writ, bill or process had been indorsed before entry in court.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1865.

AN ACT FOR THE PROTECTION OF SEA FOWL IN POPPONESSETT AND WAQUOIT BAYS.

Chap. 46.

Be it enacted, &c., as follows :

SECTION 1. No person shall drive, chase or pursue, with boats, in the waters of Popponessett Bay and Waquoit Bay, in the county of Barnstable, any of the birds commonly called sea fowl.

Worrying of birds prohibited.

SECTION 2. Any person offending against the provisions of the preceding section, shall forfeit and pay for each and every offence a fine of not more than five dollars, to be recovered by prosecution before any court of competent jurisdiction.

Penalty for offending.

Approved February 27, 1865.

AN ACT RELATING TO THE ALEWIFE FISHERY IN BARKER'S RIVER.

Chap. 47.

Be it enacted, &c., as follows :

SECTION 1. The selectmen or any committee for the time being of the town of Pembroke, having in charge the regulation of the alewife fishery in Barker's River in said town, may at their discretion close the passage-ways above the weir upon said river for the passage of alewives to the Indian Ponds, so called, in Pembroke, and may take any other measures which they may deem necessary, and which are not prejudicial to the rights of mill owners, to obstruct and effectually prevent the passage of alewives above said weir: *provided*, that said selectmen or committee shall from the first running of alewives, after the tenth day of April in each year, take and deposit alive and in good condition in said Indian Ponds not less than two thousand alewives, so that they may cast their spawn in said ponds.

Selectmen or committee may close passage-ways above weir.

Proviso.

SECTION 2. Alewives coming to said weir after the number of two thousand shall have been deposited in said ponds as herein before required, may be taken on any secular day of the week, and at any hour of the day, and disposed of under the direction of said selectmen or committee in the manner now provided by law.

Excess of complement required may be taken and disposed under law.

SECTION 3. The mill owners upon said weirs shall not be liable to any of the penalties now provided by law for not opening a passage-way for alewives, around or through their respective dams while said passage-ways are closed by order as aforesaid; and nothing in this act shall be so construed as to abridge or impair the rights which any officers of said

Mill owners not liable during closure of ways.

Powers of town officers to be unimpaired.

town now have by law to regulate the flow of water in said river.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed. *Approved February 27, 1865.*

Chap. 48. AN ACT AUTHORIZING A CHANGE OF TIME FOR HOLDING THE ANNUAL EXHIBITION OF THE HAMPSHIRE AGRICULTURAL SOCIETY.

Be it enacted, &c., as follows :

SECTION 1. The Hampshire County Agricultural Society shall commence its annual exhibition on the last Tuesday of September.

Repeal. SECTION 2. Anything in section sixteen chapter sixty-six of the General Statutes, inconsistent with the foregoing section, is hereby repealed. *Approved February 27, 1865.*

Chap. 49. AN ACT TO INCORPORATE THE BROADWAY INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Samuel Leeds, Frederick Nickerson, Zibeon Southard, their associates and successors, are hereby made a corporation, by the name of the Broadway Insurance Company, in the city of Boston, for the purpose of making insurance on real and personal property against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Capital. SECTION 2. Said corporation shall have a capital stock of
Shares. one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to three hundred thousand dollars, and shall have a right, after such increase, to hold real estate for its own use
Real estate. to an amount not exceeding twenty-five thousand dollars.

Approved February 27, 1865.

Chap. 50. AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BIBLE SOCIETY OF MASSACHUSETTS.

Be it enacted, &c., as follows :

Change of corpo- SECTION 1. The corporation heretofore established by the
rate name. name of the Bible Society of Massachusetts, shall hereafter be known by the name of the Massachusetts Bible Society, and by that name shall have, hold and enjoy all its rights and privileges, and be subject to all its liabilities and obligations to the same extent as if its name had not been changed.

Powers extended. SECTION 2. The said society may publish, procure, purchase, circulate and distribute bibles and testaments in any other than the English language in the same manner and to the same extent as they are now authorized by law to

distribute bibles and testaments of the version in common use in the churches in New England, anything in the act incorporating the said society to the contrary notwithstanding.

SECTION 3. This act shall be void unless the same shall be accepted by the said society at a meeting thereof called for that purpose, within thirty days after its passage.

Conditions of
validity of act.

Approved February 27, 1865.

AN ACT CONCERNING THE FALL RIVER, WARREN AND PROVIDENCE
RAILROAD COMPANY.

Chap. 51.

Be it enacted, &c., as follows :

SECTION 1. The Fall River, Warren and Providence Railroad Company is hereby authorized, for the purpose of paying the debt created by the construction of its railroad, and for other purposes, to issue bonds or other obligations, for an amount not exceeding two hundred thousand dollars, and at a rate of interest not exceeding six per cent. per annum, and to secure said bonds or other obligations by a mortgage upon its railroad, franchise and property.

May issue bonds
to pay indebted-
ness.

Amount.

Rate of interest
and security.

SECTION 2. Said company is hereby authorized to hold its annual meeting for the election of officers on the second Monday in March in each year.

Annual meeting
of corporation.

Approved February 27, 1865.

AN ACT TO INCORPORATE THE CANTON AND HYDE PARK RAILROAD
COMPANY.

Chap. 52.

Be it enacted, &c., as follows :

SECTION 1. Oliver Ames, Oakes Ames, Oliver S. Chapman, their associates and successors, are hereby made a corporation, by the name of the Canton and Hyde Park Railroad Company, with all the powers and privileges, and subject to all the restrictions, duties and liabilities, set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Title.

Powers.

SECTION 2. The said company may locate, construct and operate a railroad, commencing at some convenient point on the Stoughton Branch Railroad, in the town of Canton, and near the junction of said Stoughton Branch Railroad with the Boston and Providence Railroad, thence running northerly through Canton and in Milton, or in Dedham and Milton, to some convenient point on the Boston, Hartford and Erie Railroad, near Hyde Park, so called, in the town of Milton.

Location.

SECTION 3. Said Canton and Hyde Park Railroad Company may, with the consent of the Boston, Hartford and Erie Railroad Company, enter with its road upon, and unite its road with, the road of the said Boston, Hartford and Erie Railroad Company, and use the said railroad, subject to the general laws of this Commonwealth relating to railroad corporations.

May unite with
Boston, Hartford
and Erie Co.

May unite with
Stoughton Br'ch
Co.

SECTION 4. The Canton and Hyde Park Railroad Company is hereby authorized to enter with its road upon, or unite the same with and use the road of the Stoughton Branch Railroad Company; and the Stoughton Branch Railroad Company is hereby authorized to enter with its road upon, or unite the same with and use, the road of the Canton and Hyde Park Railroad Company.

Capital stock,
limitation de-
fined.

SECTION 5. The capital stock of said company shall be fixed by said company at an amount not less than one hundred and fifty thousand dollars, nor more than two hundred and fifty thousand dollars, and when so fixed shall not thereafter be changed; and said stock shall be divided into shares of one hundred dollars each. Said company may purchase and hold such real and personal estate as may be necessary for the purposes for which it is incorporated.

Shares.

Real and per-
sonal estate.

Stoughton Br'ch,
and Canton and
Hyde Park Co's
may unite by
agreement of
stockholders.

SECTION 6. The Stoughton Branch Railroad Company and the Canton and Hyde Park Railroad Company are hereby authorized to unite with each other within five years from the passage of this act, upon such terms as may be agreed upon by said corporations, respectively, not inconsistent with the provisions of their respective charters, or the acts in addition thereto, nor with the laws of this Commonwealth, by a vote of the stockholders representing a majority of the stock in the respective corporations, at legal meetings held for that purpose; and thereupon said two corporations shall become one corporation, under the name of the Stoughton, Canton and Hyde Park Railroad Company, with a capital stock not exceeding the joint capital of the two corporations.

Title of new cor-
poration.
Capital.

Conditions of
validity of act.

SECTION 7. This act shall be void unless the said railroad is located within two years, and constructed within four years, from the passage thereof.

SECTION 8. This act shall take effect upon its passage.

Approved February 27, 1865.

Chap. 53. AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE SPRINGFIELD HORSE RAILROAD.

Be it enacted, &c., as follows:

Extended to
March 30, '67.

The time within which the Springfield Horse Railroad Company may construct its road, is hereby extended to the thirtieth day of March in the year eighteen hundred and sixty-seven.

Approved February 27, 1865.

Chap. 54. AN ACT TO INCORPORATE THE BOSTON AND NEW YORK STEAMBOAT COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Alexander Holmes, John A. Burnham, Uriel Crocker, their associates and successors, are hereby made a

corporation by the name of the Boston and New York Title.
 Steamboat Company, for the purpose of navigating by steam Purpose.
 and other vessels, the waters of New York, Mount Hope and
 Narraganset Bays, the intervening waters and those con-
 nected therewith; with all the powers and privileges, and General powers.
 subject to all the duties, liabilities and restrictions set forth
 in the general laws which now are or may hereafter be in
 force relating to such corporations.

SECTION 2. The said company is hereby authorized and Special authority
 empowered to build, purchase, hold, convey, hire and
 employ one or more steam or other vessels, with such appa-
 ratus and appendages as may be found necessary for steam
 navigation and the transportation of passengers and mer-
 chandise in any and all the waters aforesaid.

SECTION 3. The capital stock of said corporation shall not Capital stock.
 exceed one million of dollars to be fixed by vote of the cor-
 poration, and shall be divided into shares of the par value of Shares.
 one hundred dollars each; and said corporation shall have Assessments.
 power to assess, from time to time, upon said shares such
 sums as may be deemed necessary to accomplish the object
 of said corporation, not exceeding the par value of such
 shares.

SECTION 4. This act shall take effect upon its passage.

Approved February 27, 1865.

AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE *Chap. 55.*
 EASTERN AVENUE.

Be it enacted, &c., as follows:

SECTION 1. The time allowed the city of Boston, as City of Boston
 assignee of the franchise of the Eastern Avenue corporation, allowed until
 to construct the avenue across South Boston flats, is hereby March 1, '68.
 extended to the first day of March, in the year eighteen
 hundred and sixty-eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1865.

AN ACT EXTENDING THE TIME FOR THE LOCATION AND CONSTRUCTION *Chap. 56.*
 OF THE MYSTIC RIVER RAILROAD.

Be it enacted, &c., as follows:

The time allowed to locate the Mystic River Railroad is Extended to May
 hereby extended to the first day of May, in the year eighteen 1, '68.
 hundred and sixty-eight, and to construct the same, to the
 first day of May, in the year eighteen hundred and sixty-
 nine: *provided*, if said road shall be located and built upon Proviso.
 the flats of the Mystic River Corporation, before the same
 shall be completely filled, then said road shall be there built
 upon piles.

Approved March 2, 1865.

Chap. 57. AN ACT AUTHORIZING THE CITY OF ROXBURY TO DIVERT THE WATERS OF STONY BROOK.

Be it enacted, &c., as follows :

May divert from point on Ruggles street to bounds of Brookline.

SECTION 1. The city of Roxbury is hereby authorized, for the purpose of sewerage, to divert the waters of Stony Brook, so called, from a point within the territorial limits of said city, in the bend or elbow of said brook, in the angle formed by the intersection of Ruggles street with the Boston and Providence Railroad, into and through a new channel to be constructed from that point to some point in or near the boundary line between Brookline and said city of Roxbury, easterly of the junction of said Stony Brook with Muddy River, so called.

Compensation for injuries, mayor and aldermen to determine.

SECTION 2. Any person injured in his property by such diversion shall have compensation therefor, to be determined by the mayor and aldermen of said city, to whom he shall make written application therefor within one year after such diversion shall have been made, and who shall finally adjudicate upon the question of damages within thirty days after the filing of said application, unless the parties agree in writing to extend the time. The benefit, if any, which the applicant may receive by reason of said diversion shall be allowed by way of set-off.

Party aggrieved by estimate, or delay, may have jury or committee.

SECTION 3. If the applicant is aggrieved, either by the estimate of his damages or by a refusal or neglect within thirty days to estimate the same, he may, within three months from the expiration of said thirty days, or of the extended time, as provided in section two, apply for a jury, or, if both parties agree, a committee, and have his damages ascertained, in the manner provided where land is taken in laying out highways. If the damages are increased by the jury or committee, the damages and costs shall be paid by the city, otherwise the costs arising on such application shall be paid by the applicant.

Damages and costs.

Approved March 3, 1865.

Chap. 58. AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ESTABLISH HERRING FISHERIES IN EEL RIVER AND TOWN BROOK.

Be it enacted, &c., as follows :

May establish and locate weirs.

SECTION 1. The inhabitants of the town of Plymouth are hereby authorized to establish fisheries for herrings in the streams of said town known by the names of Eel River and Town Brook, and to locate weirs for taking herrings in said streams.

May grant powers not exceeding twelve years.

SECTION 2. The inhabitants of said town are further authorized to grant, for a period not exceeding twelve years from the passage of this act, the powers conferred by the

same to such person or persons as they may in town meeting elect.

SECTION 3. At the expiration of the period of such grant, the fisheries in said streams shall be sold annually, under the direction of the selectmen of said town, and the proceeds paid into the treasury of said town.

Upon expiration privilege to be sold annually.

SECTION 4. Any person interfering with said fisheries, disturbing the weirs located by authority of said town, or taking any herrings in said streams, except by such authority, shall be punished by a fine not exceeding ten dollars for each offence.

Penalty for interference.

SECTION 5. No right is given by this act to the inhabitants of the said town of Plymouth to molest or disturb, or in any manner interfere with, any dams upon said streams, or private property upon the borders of said streams, without the consent of the owner or owners thereof.

Rights of persons not to be infringed.

SECTION 6. This act shall take effect upon its passage.

Approved March 6, 1865.

AN ACT TO AUTHORIZE THE BOSTON AND PROVIDENCE RAILROAD CORPORATION TO INCREASE ITS CAPITAL STOCK.

Chap. 59.

Be it enacted, &c., as follows:

The Boston and Providence Railroad Corporation is hereby authorized to increase its capital stock by adding thereto a sum not exceeding three hundred and forty thousand dollars, to be divided into shares of one hundred dollars each.

Increase may be \$340,000.

Shares.

Approved March 6, 1865.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE CAPE COD CENTRAL RAILROAD COMPANY.

Chap. 60.

Be it enacted, &c., as follows:

The time allowed to the Cape Cod Central Railroad Company for the construction of its railroad, is hereby extended to the first day of October in the year eighteen hundred and sixty-six.

Time for construction extended to Oct. 1, '66.

Approved March 6, 1865.

AN ACT TO INCORPORATE THE JOHNSON FELTING MILLS.

Chap. 61.

Be it enacted, &c., as follows:

SECTION 1. William H. Thompson, Moses A. Johnson, Horace B. Shattuck, their associates and successors, are hereby made a corporation by the name of the Johnson Felting Mills, to be established in the city of Lowell, for the purpose of manufacturing woolen goods; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Title.

Location.

Powers.

Real estate. SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, in shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of seventy-five thousand dollars of its capital has been paid in, in cash.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1865.

Chap. 62. AN ACT TO INCORPORATE THE NORTH ADAMS WOOLEN COMPANY.
Be it enacted, &c., as follows:

Corporators. SECTION 1. Sanford Blackington, John B. Tyler, Sylvander Johnson, their associates and successors, are hereby made a corporation by the name of the North Adams Woollen Company, for the manufacture of woollen or cotton cloths, in the town of Adams, in the county of Berkshire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or may hereafter be in force, relating to manufacturing corporations.

Real estate. SECTION 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred and thirty thousand dollars. The whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in cash.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1865.

Chap. 63. AN ACT TO EXTEND THE TIME FOR LOCATING THE MILFORD AND WOONSOCKET RAILROAD.

Be it enacted, &c., as follows:

Extension to May 1, '66. The time for locating the Milford and Woonsocket Railroad is hereby extended to the first day of May in the year one thousand eight hundred and sixty-six.

Approved March 6, 1865.

Chap. 64. AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE MERRIMACK VALLEY HORSE RAILROAD.

Be it enacted, &c., as follows:

Extension to May 1, '67. The time allowed the Merrimack Valley Horse Railroad Company for the construction of its road, is extended to the first day of May in the year eighteen hundred and sixty-seven.

Approved March 6, 1865.

AN ACT TO AUTHORIZE THE FIRST PARISH IN BOXFORD TO SELL *Chap. 65.*
REAL ESTATE.

Be it enacted, &c., as follows :

SECTION 1. The First Parish in Boxford is hereby authorized to sell, at public or private sale, at such time or times as it may choose, a certain lot of pasture land belonging to said parish, situated in said Boxford, and bounded on the north by land of Richard Foster, on the west by land of Cornelius Pearsons and others, on the south by land of John K. Cole, and on the east by the highway; and the treasurer of said parish for the time being, shall have authority to execute and deliver deeds, to convey said land in fee simple or otherwise.

May sell pasture lands in Boxford.

Bounds.

Treasurer may execute deed.

SECTION 2. The proceeds of the sale of said land shall be permanently invested in such manner as said parish shall direct; and the same shall be held and the income thereof applied, in accordance with the trust upon which said land and the income thereof have been held and applied.

Investment of proceeds and income.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1865.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE *Chap. 66.*
MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT YEAR.

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, eighteen hundred and sixty-five, to wit:—

Appropriations authorized.

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.

Clerk S. J. Court for Commonwealth. G. S. 121.

For the salary of the assistant-clerk of said court, fifteen hundred dollars.

Assistant. G. S. 121.

For the salary of the reporter of the decisions of the supreme judicial court, three hundred dollars.

Reporter of decisions. G. S. 121.

For expenses of said court, a sum not exceeding fifteen hundred dollars.

Expenses of court. G. S. 112.

SUPERIOR COURT.

For the salary of the chief justice of the superior court, three thousand seven hundred dollars.

Chief justice of superior court. G. S. 114.

For the salaries of nine associate justices of said court, thirty-one thousand five hundred dollars.

Associate justices. G. S. 114.

COURTS OF PROBATE AND INSOLVENCY.

Judges probate and insolvency : Suffolk. G. S. 119.	For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars.
Middlesex. G. S. 119.	For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand dollars.
Worcester. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Worcester, two thousand dollars.
Essex. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Essex, eighteen hundred dollars.
Norfolk. G. S. 119.	For the salary of the judge of probate and insolvency for the county of Norfolk, fourteen hundred dollars.
Bristol. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Bristol, twelve hundred dollars.
Plymouth. G. S. 119.	For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand dollars.
Berkshire. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Berkshire, nine hundred dollars.
Hampden. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Hampden, one thousand dollars.
Hampshire. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Hampshire, seven hundred dollars.
Franklin. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Franklin, seven hundred dollars.
Barnstable. G. S. 119.	For the salary of the judge of probate and insolvency for the county of Barnstable, seven hundred dollars.
Nantucket. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Nantucket, four hundred dollars.
Dukes. Acts '64, 298.	For the salary of the judge of probate and insolvency for the county of Dukes county, four hundred dollars.
Registers : Suffolk. G. S. 119.	For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
Assistant. G. S. 119.	For the salary of the assistant-register for the county of Suffolk, fifteen hundred dollars.
Middlesex. Acts '64, 298.	For the salary of the register of probate and insolvency for the county of Middlesex, eighteen hundred dollars.
Assistant. G. S. 119.	For the salary of the assistant-register for the county of Middlesex, one thousand dollars.
Worcester. Acts '64, 298.	For the salary of the register of probate and insolvency for the county of Worcester, seventeen hundred dollars.
Assistant. G. S. 119.	For the salary of the assistant-register for the county of Worcester, one thousand dollars.
Essex. Acts '64, 298.	For the salary of the register of probate and insolvency for the county of Essex, seventeen hundred dollars.
Assistant. Acts '64, 298.	For the salary of the assistant-register for the county of Essex, one thousand dollars.

For the salary of the register of probate and insolvency for the county of Norfolk, twelve hundred dollars. Norfolk. Acts '64, 298.

For the salary of the assistant-register for the county of Norfolk, eight hundred dollars. Assistant. Acts '64, 298.

For the salary of the register of probate and insolvency for the county of Bristol, thirteen hundred dollars. Bristol. G. S. 119.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand dollars. Plymouth. G. S. 119.

For the salary of the register of probate and insolvency for the county of Hampden, one thousand dollars. Hampden. Acts '64, 298.

For the salary of the register of probate and insolvency for the county of Berkshire, nine hundred dollars. Berkshire. Acts '64, 298.

For the salary of the register of probate and insolvency for the county of Hampshire, seven hundred and fifty dollars. Hampshire. G. S. 119.

For the salary of the register of probate and insolvency for the county of Franklin, seven hundred and fifty dollars. Franklin. Acts '64, 298.

For the salary of the register of probate and insolvency for the county of Barnstable, seven hundred dollars. Barnstable. G. S. 119.

For the salary of the register of probate and insolvency for the county of Nantucket, five hundred dollars. Nantucket. Acts '64, 298.

For the salary of the register of probate and insolvency for Dukes county, five hundred dollars. Dukes. Acts '64, 298.

For certain expenses of the courts of insolvency, authorized by the General Statutes, or similar accounts for the courts of probate and insolvency, a sum not exceeding three thousand dollars. Expenses courts of probate and insolvency. G. S. 118.

DISTRICT-ATTORNEYS.

For the salary of the attorney for the county of Suffolk, three thousand dollars. District-attorneys: Suffolk. G. S. 14.

For the salary of the assistant-attorney for the county of Suffolk, one thousand eight hundred dollars. Assistant. G. S. 14.

For the salary of the attorney for the eastern district, one thousand two hundred dollars. Eastern. G. S. 14.

For the salary of the attorney for the northern district, one thousand two hundred dollars. Northern. G. S. 14.

For the salary of the attorney for the southern district, one thousand two hundred dollars. Southern. G. S. 14.

For the salary of the attorney for the middle district, one thousand two hundred dollars. Middle. G. S. 14.

For the salary of the attorney for the south-eastern district, one thousand two hundred dollars. South-eastern. G. S. 14.

For the salary of the attorney for the western district, one thousand two hundred dollars. Western. G. S. 14.

For the salary of the attorney for the north-western district, eight hundred dollars. North-western. G. S. 14.

POLICE COURTS.

Police courts:

Justices.

Boston.

G. S. 116.

Adams.

G. S. 116.

Cambridge.

G. S. 116.

Charlestown.

Acts '62, 107.

Chelsea.

Acts '64, 256.

Chicopee.

G. S. 116.

Fall River.

Acts '62, 92.

Gloucester.

Acts '64, 127.

Haverhill.

Acts '61, 207.

Lawrence.

G. S. 116.

Lee.

Acts '61, 141.

Lowell.

G. S. 116.

Lynn.

G. S. 116.

Milford.

Acts '64, 70.

New Bedford.

G. S. 116.

Newburyport.

G. S. 116.

Pittsfield.

G. S. 116.

Roxbury.

G. S. 116.

Salem.

G. S. 116.

Springfield.

G. S. 116.

Williamstown.

G. S. 116.

Worcester.

G. S. 116.

For the salaries of three justices of the police court in Boston, seven thousand five hundred dollars.

For the salary of the justice of the police court in Adams, eight hundred dollars.

For the salary of the justice of the police court in Cambridge, one thousand five hundred dollars.

For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars.

For the salary of the justice of the police court in Chelsea, one thousand three hundred dollars.

For the salary of the justice of the police court in Chicopee, nine hundred dollars.

For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.

For the salary of the justice of the police court in Gloucester, eight hundred dollars.

For the salary of the justice of the police court in Haverhill, nine hundred dollars.

For the salary of the justice of the police court in Lawrence, one thousand five hundred dollars.

For the salary of the justice of the police court in Lee, five hundred dollars.

For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.

For the salary of the justice of the police court in Lynn, one thousand dollars.

For the salary of the justice of the police court in Milford, eight hundred dollars.

For the salary of the justice of the police court in New Bedford, one thousand five hundred dollars.

For the salary of the justice of the police court in Newburyport, nine hundred dollars.

For the salary of the justice of the police court in Pittsfield, eight hundred dollars.

For the salary of the justice of the police court in Roxbury, one thousand five hundred dollars.

For the salary of the justice of the police court in Salem, one thousand five hundred dollars.

For the salary of the justice of the police court in Springfield, one thousand five hundred dollars.

For the salary of the justice of the police court in Williamstown, three hundred dollars.

For the salary of the justice of the police court in Worcester, one thousand five hundred dollars.

For the salaries of the clerks of police courts, exclusive of clerks elected under chapter one hundred and sixteen, section four, of the General Statutes, to wit :

For the salary of the clerk of the police court in Boston, two thousand dollars. Clerks of police courts, certain.
Boston.
Acts '60, 100.

For the salaries of four assistant-clerks of said court, five thousand two hundred dollars. Assistants.
G. S. 116; Acts
'60, 100.

For the salary of the clerk of the police court in Cambridge, five hundred dollars. Cambridge.
G. S. 116.

For the salary of the clerk of the police court in Charlestown, five hundred dollars. Charlestown.
Acts '62, 107.

For the salary of the clerk of the police court in Fall River, six hundred dollars. Fall River.
Acts '62, 92.

For the salary of the clerk of the police court in Lawrence, eight hundred dollars. Lawrence.
G. S. 116.

For the salary of the clerk of the police court in Lowell, one thousand dollars. Lowell.
G. S. 116.

For the salary of the clerk of the police court in Lynn, three hundred dollars. Lynn.
G. S. 116.

For the salary of the clerk of the police court in New Bedford, eight hundred dollars. New Bedford.
G. S. 116.

For the salary of the clerk of the police court in Newburyport, five hundred dollars. Newburyport.
G. S. 116.

For the salary of the clerk of the police court in Roxbury, five hundred dollars. Roxbury.
G. S. 116.

For the salary of the clerk of the police court in Salem, nine hundred dollars. Salem.
G. S. 116.

For the salary of the clerk of the police court in Worcester, nine hundred dollars. Worcester.
Acts '64, 281.

MUNICIPAL COURT.

For the salary of the justice of the municipal court in Taunton, one thousand dollars. Municipal court,
Taunton: Jus-
tice.
Acts '64, 209, §
21.

For the salary of the clerk of the municipal court in Taunton, six hundred dollars. Clerk.
Acts '64, 209, §
21.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1865.

AN ACT IN RELATION TO TRIALS OF THE SPEED OF HORSES.

Be it enacted, &c., as follows :

The ninth section of chapter one hundred and sixty-seven of the General Statutes shall not be so construed as to make unlawful, trials of the speed of horses for premiums offered by legally constituted agricultural societies. Premiums of ag-
ricultural socie-
ties to authorize
trials.

Approved March 6, 1865.

Chap. 67.

Chap. 68. AN ACT TO PRESERVE THE RIGHT OF SUFFRAGE TO SOLDIERS AND SAILORS.

Be it enacted, &c., as follows :

Voter, resident of town May 1, having within two years been in service of U. S., may be assessed and upon payment of tax exercise suffrage.

SECTION 1. Whenever any person shall make application to the assessors of any city or town of this Commonwealth to be assessed a poll-tax for the then current year, and it shall appear that such applicant was on the first day of May preceeding a resident of said city or town and liable to pay a poll-tax therein, but was not assessed therefor, and that such applicant is, or has been during any portion of the two years preceeding such application, engaged in the military or naval service of the United States, it shall be the duty of such assessors forthwith to assess such tax, and notify the treasurer of such city or town of the same, and the person so assessed shall, upon payment of said tax, be entitled to the right to vote in said city or town to the same extent as if his taxes had been assessed and paid in the manner heretofore provided by law.

Repeal.

SECTION 2. Chapter one hundred and forty-four of the acts of the year eighteen hundred and sixty-four is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1865.

Chap. 69.

AN ACT TO PROVIDE FOR A DECENNIAL CENSUS.

Be it enacted, &c., as follows :

Enumeration to be made in 1865, and each decade thereafter.

SECTION 1. A census of the inhabitants of each city and town in the Commonwealth on the first day of May, shall be taken in the year eighteen hundred and sixty-five, and in every tenth year thereafter, and shall contain a special enumeration of the legal voters residing in each town, and in each ward of the several cities.

Form and designation required.

SECTION 2. In taking the census, the following particulars shall be ascertained and enumerated, in separate columns of the schedule, to wit:—

1. Dwelling-houses numbered in the order of visitation.
2. Families numbered in the order of visitation.
3. Name of each person in the family or dwelling.
4. Age of each person one year old and upward.
5. Sex of each person.
6. Color of each person ; whether white, black, mulatto or Indian.
7. Place of birth ; naming state, territory or country.
8. Condition ; whether single, married or widowed.
9. Profession, trade or occupation of every person over fifteen years of age.

10. Persons over twenty years of age who cannot read and write.

11. Whether deaf and dumb, blind, insane, idiotic, pauper or convict.

12. Ratable polls.

13. Legal voters.

14. Naturalized voters.

SECTION 3. The census shall be taken in cities by agents appointed by the mayor and aldermen, and in towns by the selectmen or by agents appointed by them. Such selectmen or agents shall be sworn, shall make out in words at length, a return of the aggregates and results of said census, and shall sign and make oath to the truth thereof; and a certificate of the oath by the magistrate administering it shall be annexed thereto. They shall, on or before the twentieth day of August of the same year, deliver the return to the sheriff of the county, who shall transmit it to the office of the secretary of the Commonwealth on or before the last day of said August; or the selectmen or agents may themselves transmit the return to the office of the secretary, on or before the day last named.

Agents to canvass in cities and towns, how appointed and qualified.

Returns, time and mode of transmission.

SECTION 4. The secretary shall, on or before the first day of May in each year in which the census is to be taken, transmit to the clerks of the several cities and towns, printed forms for the returns required by this act, with such instructions as he may deem necessary, and a notice that the returns must be made into his office on or before the last day of August of the same year.

Secretary of Commonwealth to furnish blanks.

SECTION 5. The secretary shall prepare an abstract from the census, showing the number of legal voters in each town, and in each ward of the several cities, arranged by counties, and shall submit the same to the general court, within the first ten days of the annual session following the taking of such census.

Shall prepare abstract of returns for legislature.

SECTION 6. If any selectman or agent wilfully refuses to perform any duty required of him by this act, he shall forfeit a sum not exceeding five hundred dollars; and if he is guilty of wilful deceit and falsehood in the discharge of his duty, he shall forfeit a sum not exceeding two thousand dollars, or be imprisoned not exceeding one year. A sheriff who shall wilfully refuse or neglect to perform the duty required by this act, shall forfeit a sum not exceeding one thousand dollars.

Penalties for neglect or deceit by selectmen or agents.

Sheriff's neglect.

SECTION 7. Chapter twenty of the General Statutes is hereby repealed.

Repeal.

SECTION 8. This act shall take effect upon its passage.

Approved March 6, 1865.

Chap. 70.

AN ACT CONCERNING THE SALEM SAVINGS BANK.

*Be it enacted, &c., as follows :*Corporation to be
subject to laws.

SECTION 1. The Salem Savings Bank shall be subject to the general laws which now are or may hereafter be in force, relating to savings banks and institutions for savings, as fully as if the act of incorporation had been passed subsequent to the eleventh day of March, in the year eighteen hundred and thirty-one.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1865.***Chap. 71.**

AN ACT IN ADDITION TO AN ACT CONCERNING THE FALL RIVER, WARREN AND PROVIDENCE RAILROAD COMPANY.

*Be it enacted, &c., as follows :*Act of 1865 to
have effect from
passage.

SECTION 1. The act entitled "An Act concerning the Fall River, Warren and Providence Railroad Company," approved February twenty-seventh, in the year one thousand eight hundred and sixty-five, shall have the same legal effect as if it had gone into operation upon the passage thereof.

SECTION 2. This act shall take effect upon its passage.

*Approved March 10, 1865.***Chap. 72.**

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF MARION AND WAREHAM.

*Be it enacted, &c., as follows :*Governor to
appoint com-
mission.

SECTION 1. The governor is hereby authorized, by and with the advice of the council, to appoint three commissioners, whose duty it shall be, after having duly notified the clerks of the towns of Marion and Wareham, to investigate all matters in dispute relative to the boundary line between said towns where said towns join, commencing at a stone monument in the old Plymouth county road, so called, at the corner of the towns of Rochester and Marion, and running southerly to the east side of Mendell's bridge, in Marion, to a bound established by chapter forty of the acts of the year eighteen hundred and fifty-nine. Said commissioners are authorized and required to establish and define, by proper monuments, said boundary line between said points in the said towns.

Report to be sub-
mitted to legisla-
ture.

SECTION 2. The commission hereby established shall have full power to examine the premises, and to send for persons and papers, and shall submit a report of their doings to the next legislature.

Expense.

SECTION 3. The expenses of said commissioners shall be borne equally by the towns of Marion and Wareham.

Approved March 11, 1865.

AN ACT TO INCORPORATE THE NEW ENGLAND STEAM PACKET *Chap. 73.*
COMPANY.

Be it enacted, &c., as follows :

SECTION 1. Daniel Deshon, Alonzo Farrar, Stevens G. Palmer, their associates and successors, are hereby made a corporation, by the name of the New England Steam Packet Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Title.

Powers.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steam-ships or steam-propellers, and to employ the same in the business of transporting passengers and freight between the port of Boston and any port, city or town in the state of New Hampshire.

Special privileges.

SECTION 3. The capital stock of said corporation shall be seventy-five thousand dollars, with liberty to increase the same by adding thereto an amount not exceeding one hundred and twenty-five thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess, from time to time, upon said shares such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares. No certificate of stock shall be issued until the par value thereof shall have been actually paid in, and no business shall be transacted by said corporation until at least forty thousand dollars of its capital stock shall have been subscribed.

Capital stock.

Shares.

Conditions of franchise.

SECTION 4. If said corporation shall not, within one year from the passage of this act, have been organized and have collected by assessment an amount equal at least to fifty per cent. of its capital stock subscribed, and shall not, within two years from the passage of this act, have one or more steam-ships or steam-propellers employed in the transportation of passengers and freight between said Boston and a port or ports in the state of New Hampshire, or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steam-ships or steam-propellers in said business, then this act shall be null and void.

Limitation of time prescribed.

SECTION 5. This act shall take effect upon its passage.

Approved March 11, 1865.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENDITURES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-FOUR, AND PREVIOUS YEARS.

Chap. 74.

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth,

Appropriations authorized.

from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit:—

LEGISLATIVE DEPARTMENT.

Printing and binding, senate and house.
Res. '56, 74.

For printing and binding for the senate and house of representatives, a sum not exceeding nineteen hundred and ninety-three dollars and thirty cents.

Blanks and circulars, senate.
Res. '56, 74.

For printing blanks and circulars for the senate, a sum not exceeding seven dollars and sixty-five cents.

Stationery, house.
Res. '56, 74.

For stationery for the house of representatives, a sum not exceeding twenty-seven dollars and twenty-two cents.

EXECUTIVE DEPARTMENT.

Lieut. governor and council, pay.
G. S. 14.

For the compensation and mileage of the lieutenant-governor and council, a sum not exceeding five hundred and seventy-nine dollars.

Governor and council, contingent.
G. S. 14.
Contingent for military purposes.

For the contingent expenses of the governor and council, a sum not exceeding four hundred dollars.

For the contingent expenses of the governor and council for military purposes, a sum not exceeding fifteen hundred and forty dollars and thirty-nine cents, which shall be allowed and paid.

STATE HOUSE EXPENSES.

Repairs and furniture, state house.
G. S. 14.

For repairs, improvements and furniture, a sum not exceeding eleven hundred and sixty-three dollars and fifty-two cents.

Fuel and lights.
G. S. 14.

For fuel and lights, a sum not exceeding six hundred and forty dollars and fifty-five cents.

Contingent, legislature.
G. S. 14.

For the contingent expenses of the legislature, a sum not exceeding seven hundred and fifty-eight dollars and fifty-four cents.

STATE PRINTING.

Printing public documents '64.
G. S. 4.

For printing the public documents of the last quarter of the year eighteen hundred and sixty-four, a sum not exceeding twenty thousand dollars.

General laws of '64.
G. S. 3.

For printing the general laws and resolves of the year eighteen hundred and sixty-four, a sum not exceeding forty-one hundred and sixty-four dollars and ninety-one cents.

Blue book of '64.
G. S. 3.

For printing the blue book of the year eighteen hundred and sixty-four, a sum not exceeding two hundred and sixty-two dollars and twelve cents.

AGRICULTURAL DEPARTMENT.

Board of agriculture, incidentals.
G. S. 16.

For incidental expenses of the board of agriculture, a sum not exceeding six dollars and seventy-five cents.

For the state cabinet, a sum not exceeding eight dollars and thirty-nine cents, which shall be allowed and paid. State cabinet.

For expenses of the secretary of the board of agriculture, a sum not exceeding ninety-eight dollars and fifty-one cents. Secretary board of agriculture, expenses. G. S. 16.

MILITARY DEPARTMENT.

For the salary of the surgeon-general, a sum not exceeding three hundred and thirty-three dollars and thirty-one cents. Surgeon-general, salary. Acts '61, 219.

For the salary of the assistant-surgeon-general, a sum not exceeding two hundred dollars. Assistant. Acts '61, 219.

For the salary of the first clerk of the surgeon-general, a sum not exceeding two hundred dollars. First clerk. Acts '61, 219.

For the salary of the second clerk of the surgeon-general, a sum not exceeding eight dollars and thirty-three cents. Second clerk. Acts '61, 219.

For the salary of the messenger of the surgeon-general, a sum not exceeding seventy-five dollars. Messenger. Acts '61, 219.

For expenses of the paymasters' department, a sum not exceeding three hundred dollars. Paymaster, expenses. Acts '61, 219.

For military accounts, a sum not exceeding sixty-eight hundred and seventy-six dollars and twenty-seven cents. Military accounts. G. S. 13.

For the compensation and expenses of agents for sick and disabled soldiers, a sum not exceeding thirty-three hundred and twenty-nine dollars and sixty cents, which shall be allowed and paid. Agents for invalid soldiers, pay.

CHARITABLE DEPARTMENT.

For the current expenses of the state almshouse at Monson, a sum not exceeding five thousand two hundred and fifty-nine dollars and twenty-nine cents. Almshouses: Monson, expenses. G. S. 71.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding fifteen thousand one hundred and eighty-six dollars and thirty-nine cents. Tewksbury. G. S. 71.

For the current expenses of the state almshouse at Bridgewater, a sum not exceeding two thousand one hundred and fifty-nine dollars and fourteen cents. Bridgewater. G. S. 71.

For the current expenses of the hospital at Rainsford Island, a sum not exceeding fifty dollars and seventy cents. Rainsford Island hospital. G. S. 71.

For expenses incurred in the support of the Dudley Indians, a sum not exceeding two hundred fifty-three dollars and ninety-six cents. Dudley Indians, support. G. S. 14.

For expenses incurred in the support of Indian state paupers in the district of Marshpee, a sum not exceeding nineteen dollars, which shall be allowed and paid. Indian state paupers, support.

REFORMATORY AND CORRECTIONAL.

State prison,
expenses.
Acts '64, 303.

For the current expenses of the state prison, a sum not exceeding three thousand five hundred and seventy dollars and eighty cents.

Reform school,
expenses.
G. S. 76.

For the current expenses of the state reform school at Westborough, a sum not exceeding six thousand two hundred and fifty-four dollars and nine cents.

Nautical branch.
G. S. 76.

For the current expenses of the nautical school, a sum not exceeding two thousand four hundred and forty-seven dollars and eighty-nine cents.

State prison, ad-
vance payment to
warden author-
ized.

From the appropriation for expenses of the state prison for the current year, there may be paid to the warden, in advance, a sum not exceeding one thousand dollars, to be accounted for in his monthly settlements.

MISCELLANEOUS EXPENSES.

Secretary of Com-
monwealth, inci-
dental.
G. S. 14.

For the incidental expenses of the secretary's department, a sum not exceeding four hundred and eighty-nine dollars and six cents.

Treasurer, inci-
dental.
G. S. 15.

For the incidental expenses of the treasurer's department, a sum not exceeding two thousand six hundred eighty dollars and thirty-four cents.

Treasurer's extra
clerks, salaries.
G. S. 15; Acts
'64, 208.

For the salaries of the treasurer's extra clerks, a sum not exceeding six thousand eight hundred eighty dollars and sixty-nine cents.

Attorney-gene-
ral, incidental.
G. S. 14.

For fees, costs and incidental expenses of the attorney-general, a sum not exceeding two hundred ten dollars and fifty-six cents.

Insurance com-
missioners, inci-
dental.
G. S. 58.

For the incidental expenses of the insurance commissioners, a sum not exceeding one hundred seventeen dollars and thirty-three cents.

Electoral college,
pay and mileage.
G. S. 9, § 17.

For the compensation and mileage of the members of the electoral college, a sum not exceeding one hundred and seventy-nine dollars.

Commissioners
street railways,
pay, etc.
Res. '64, 86.
Essex bridge,
maintenance.
Acts '59, 122.

For the compensation and expenses of the commissioners on street railways, a sum not exceeding six hundred dollars.

For expenses incurred in the maintenance of the Essex bridge, a sum not exceeding five hundred and three dollars and four cents, to be paid from the Essex bridge fund.

Charles river and
Warren bridges.
Acts '64, 257.

For expenses incurred in the maintenance of the Charles River and Warren bridges, a sum not exceeding six hundred thirty-four dollars and sixty-nine cents, to be paid from the Charles River and Warren bridge fund.

Experts for gov-
ernor.

For experts employed by the governor, a sum not exceeding five hundred dollars, which shall be allowed and paid.

EDUCATIONAL DEPARTMENT.

The following sums shall be paid from the moiety of the income of the Massachusetts school fund :

For postage, printing and stationery for the board of education, a sum not exceeding seven hundred and seventy-four dollars and eighty-one cents.

For expenses of the members of the board of education, a sum not exceeding ten dollars and eighty cents.

For expenses of teachers' institutes, a sum not exceeding forty-two dollars and ninety-six cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1865.

AN ACT TO INCORPORATE THE PROPRIETORS OF THE MASONIC TEMPLE
OF WORCESTER.

Chap. 75.

Be it enacted, §c., as follows :

SECTION 1. T. W. Wellington, G. W. Bentley, T. E. St. John, Ivers Phillips, Jerome Marble, their associates and successors, are hereby made a corporation, by the name of "The Proprietors of the Masonic Temple of Worcester," for the purpose of providing and maintaining a building in the city of Worcester, with rooms suitable for halls, public lectures, stores and offices; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal estate, for the purpose aforesaid, to an amount not exceeding two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1865.

AN ACT TO INCREASE THE FEES FOR RECORDING CERTIFICATES OF
CORPORATIONS IN THE OFFICE OF THE SECRETARY OF THE COM-
MONWEALTH.

Chap. 76.

Be it enacted, §c., as follows :

SECTION 1. The second section of the two hundred and thirty-first chapter of the acts of eighteen hundred and sixty-three, is hereby so amended that the fee for filing and recording certificates of organization or of increase of capital stock shall be five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1865.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A MARINE RAILWAY IN
CHATHAM.

Chap. 77.

Be it enacted, §c., as follows :

James H. Tripp, Collins Howes, jr., Asa Nye, jr., and Oliver Eldredge, are hereby authorized to construct and

Board of educa-
tion, sundries.
G. S. 34.

Expenses of
members.
G. S. 34.

Teachers' insti-
tutes, expenses.
G. S. 35.

Corporators.

Title.

Purpose.

Powers.

Estate.

Act of '63, § 2,
amended.

May construct at
Chatham Stage
Harbor.

Proviso. maintain a marine railway in the harbor of the town of Chatham, at a place called Chatham Stage Harbor, and to extend the same into said harbor a distance of not more than two hundred feet from high water mark: *provided, however*, that nothing in this act shall be so construed as to impair the legal rights of any person.

Approved March 15, 1865.

Chap. 78. AN ACT TO INCORPORATE THE CARNEY HOSPITAL.
Be it enacted, &c., as follows :

Corporators. Ann Alexis Short, Ann Aloysia Reed, Andrea Correy, their associates and successors, are hereby made a corporation, by Title. the name of the Carney Hospital, for the purpose of main- Purpose. taining a hospital in the city of Boston for the sick and Powers. disabled; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force Estate. relating to such corporations: and for the purpose aforesaid said corporation may hold real and personal property to an amount not exceeding one hundred and fifty thousand dollars.

Approved March 15, 1865.

Chap. 79. AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE WENHAM LAKE BRANCH RAILROAD.

Be it enacted, &c., as follows :

Extended to April 1, '67. SECTION 1. The time for constructing the Wenham Lake Branch Railroad is hereby extended to the first day of April, in the year eighteen hundred and sixty-seven.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1865.

Chap. 80. AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF ROCHESTER AND WAREHAM.

Be it enacted, &c., as follows :

Governor to appoint commission. SECTION 1. The governor is hereby authorized, by and with the advice of the council, to appoint three commissioners, whose duty it shall be, after having duly notified the clerks of the towns of Rochester and Wareham, to investigate all matters in dispute relative to the boundary lines between the towns of Rochester and Wareham, where said towns join, and establish and define, by proper monuments, said boundary lines between the said towns: said commissioners shall have power to establish a conventional line between said towns, without regard to existing boundary lines, if they deem the same for the public interest.

Report to be submitted to legislature. SECTION 2. The commission hereby established shall have full power to examine the premises, and send for persons and

papers; and shall submit a report of their doings to the next legislature.

SECTION 3. The expenses of said commission shall be borne equally by the towns of Rochester and Wareham. Expense.

Approved March 16, 1865.

AN ACT RELATING TO ATTORNEYS-AT-LAW REMOVED FROM THE BAR. *Chap. 81.*
Be it enacted, &c., as follows:

No person removed from practice as an attorney in the courts of this Commonwealth, as provided in section thirty-four of chapter one hundred and twenty-one of the General Statutes, shall be allowed to manage, prosecute or defend any suit, under special authority from the party for whom he appears or by personal nomination in open court. Expulsion to operate disqualification to reappear.

Approved March 16, 1865.

AN ACT IN ADDITION TO THE SEVERAL ACTS AUTHORIZING THE PAYMENT OF BOUNTIES TO VOLUNTEERS. *Chap. 82.*
Be it enacted, &c., as follows:

SECTION 1. If any person entitled to receive state bounty, under the laws of this Commonwealth, shall die before receiving the same, the governor may, in his discretion, pay the same, or such portion as he may deem equitable, to such person as the deceased may in writing have ordered or requested: *provided*, that if the deceased shall leave a widow or children, no order or request shall be allowed beyond the actual amount of money advanced for or on the same to the deceased or his family. Sum due person deceased may be paid authorized representative.

SECTION 2. The governor is authorized, in his discretion, to pay the full amount of the state bounty to any soldier or sailor who has been or shall be discharged by reason of permanent disability contracted in the service, and who would otherwise be entitled to receive the same, notwithstanding such disability and discharge have occurred before six months' actual service under the enlistment upon which the bounty is payable. Proviso. Governor may pay full bounty in certain cases of disability.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Approved March 16, 1865.

AN ACT TO INCORPORATE THE LEOMINSTER SAVINGS BANK. *Chap. 83.*
Be it enacted, &c., as follows:

John H. Lockey, James H. Carter, Leonard Burrage, their associates and successors, are hereby made a corporation, by the name of the Leominster Savings Bank, to be established in the town of Leominster; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set Corporators. Title. Powers.

forth in the general laws that now are or may hereafter be in force relating to institutions for savings.

Approved March 16, 1865.

Chap. 84. AN ACT TO INCORPORATE THE TRUSTEES OF THE PRATT FREE SCHOOL.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Zebulon Pratt, Augustus Pratt, Nathan F. C. Pratt, Morrill Robinson, Elbridge G. Little and their successors are hereby incorporated under the name of the Trustees of the Pratt Free School, to establish and maintain a school to be located in Titicut parish, in the town of Middleborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are, or may hereafter be in force relating to such corporations.

Title.

Location.

Powers.

Estate authorized.

SECTION 2. Said trustees may hold both real and personal estate, to an amount not exceeding fifty thousand dollars, to be devoted exclusively to educational purposes according to the intent of Enoch Pratt, of Baltimore, the founder of said school, as set forth in the third section of this act.

Free school to be maintained.

SECTION 3. Said trustees shall maintain a free school in said Titicut parish, in the town of Middleborough, for youth of both sexes, during thirty-six weeks, at least, of each year, so long as the income of the funds and estate held by them is sufficient for that purpose. The qualifications of the pupils to be received, and the territorial extent of the school district, shall be determined by the trustees.

Powers of trustees.

Trustees may fill vacancies in board.

Proviso.

SECTION 4. Any vacancies occurring in said board of trustees, may be filled by a majority vote of the remaining trustees, at any meeting called for that purpose: *provided*, that no person shall serve as a trustee who is not a resident of said Titicut parish.

Corporation of Titicut Academy may convey estate to trustees of school, and shall cease to exist.

SECTION 5. The corporation heretofore established under the name of the Titicut Academy, in said town of Middleborough, is hereby authorized to transfer and convey to the trustees of the Pratt Free School all the real and personal estate which it now holds, and upon such transfer said Titicut Academy shall cease to have any further corporate existence: *provided*, that all the outstanding liabilities thereof shall be assumed by said trustees of the Pratt Free School, and that the rights of any creditor of said Titicut Academy shall not be affected thereby.

Proviso.

SECTION 6. This act shall take effect upon its passage.

Approved March 16, 1865.

AN ACT CONCERNING THE ALEWIVE FISHERY IN THE TOWN OF WELLFLEET. *Chap. 85.*

Be it enacted, &c., as follows :

The selectmen of the town of Wellfleet may, at the annual town meeting, sell the right to take alewives within the limits of said town, for any number of years not exceeding ten.

Selectmen may sell right to take, for term not exceeding ten years.

Approved March 16, 1865.

AN ACT TO INCORPORATE THE WORCESTER ART ASSOCIATION. *Chap. 86.*

Be it enacted, &c., as follows :

SECTION 1. George W. Richardson, J. Henry Hill, Henry H. Chamberlain, their associates and successors, are hereby made a corporation, by the name of the Worcester Art Association, at Worcester, for the encouragement and promotion of the fine arts; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Title.

Powers.

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding fifty thousand dollars.

Estate.

Approved March 16, 1865.

AN ACT TO INCORPORATE THE BOSTON AND COLONIAL STEAM-SHIP COMPANY. *Chap. 87.*

Be it enacted, &c., as follows :

SECTION 1. Franklin Snow, Orrin S. Sanders, Edward T. Russell, junior, their associates and successors, are hereby made a corporation, by the name of the Boston and Colonial Steam-ship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relative to such corporations.

Corporators.

Title.

Powers.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steam-ships or steam-propellers, and to navigate the ocean therewith, and employ the same in transporting freight and passengers between any port or ports in this Commonwealth and any port or ports in the British Provinces, with liberty to touch at intermediate ports. And said company may let by charter one or more of their steam-ships or propellers to any person or persons, provided such charter does not prevent said company from complying with the terms of this act.

May own vessels and navigate ocean to certain ports.

May charter vessels to persons.

SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess from time to

Capital stock.

Shares.

Condition of
issue.

Corporation to
organize and
operate as pre-
scribed or Act
to become void.

time upon said shares such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares; and no certificate of stock shall be issued until the par value thereof shall have been actually paid in.

SECTION 4. If said corporation shall not, within one year from the passage hereof, have been organized and have collected by assessment an amount equal at least to fifty per cent. of its capital stock subscribed, and shall not within the same period have one or more steam-ships or steam-propellers employed in the transportation of passengers and freight between Boston or some other port in this Commonwealth and a port or ports in the British Provinces; or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steam-ships or steam-propellers in said business, then this act shall be null and void.

SECTION 5. This act shall take effect upon its passage.

Approved March 16, 1865.

Chap. 88. AN ACT TO ESTABLISH A FREE BRIDGE OVER THE NORTH RIVER,
BETWEEN THE TOWNS OF MARSHFIELD AND SCITUATE.

Be it enacted, &c., as follows :

Ways and piers
of Little's Bridge
Co. made free on
June 1, '65.

SECTION 1. The turnpike, way, bridge, draws and piers belonging to the Little's Bridge Corporation, and lying in the towns of Scituate and Marshfield, are hereby laid out as and shall become a public highway on the first day of June next; and no tolls shall be demanded or received for passing over the same on and after that date.

Maintenance of
ways.

SECTION 2. So much of said turnpike and way, excluding the abutments, bridge, draws and piers, as lies in each of said towns of Scituate and Marshfield, shall, on and after said first day of June next, be maintained by them respectively.

S. J. Court, upon
application, to ap-
point commission
for award of dam-
ages to corpora-
tion.

SECTION 3. The supreme judicial court, or any justice thereof, upon application of said corporation, or of any ten legal voters of the county of Plymouth, shall appoint a board of commissioners, consisting of three disinterested persons, not residents of said county, whose duty it shall be, after having been sworn to the faithful performance thereof, and after due notice to all parties interested, and a hearing, to estimate, determine and award the amount to be paid to said corporation by said county of Plymouth, as damages for the laying out of said turnpike, way, bridge, draws and piers, as aforesaid, and for the land under and around them belonging to said corporation. Said commissioners shall also determine in what proportion and in what manner the said towns of Scituate and Marshfield shall defray the expenses of the maintenance and repairs of said abutments, bridge, draws

Commissioners to
determine duties
and liabilities of
towns and report
decree.

and piers, and all other expenses properly incurred under the provisions of this act, not otherwise provided for herein ; and their determination and decree, or that of a major part of them, shall be made in writing and reported to the secretary of the Commonwealth, the chairman of the county commissioners for the county of Plymouth, the selectmen of each of the towns of Scituate and Marshfield aforesaid, and to the clerk of said corporation, within sixty days from the date of their appointment, and shall be binding upon said county and towns, severally, in all respects, except in the amount to be paid to said corporation as damages, in case it shall appeal to a jury from the award of said commissioners ; and if said corporation shall not within sixty days after receiving the report of said commissioners as aforesaid, make its appeal to a jury, then the award and decree of said commissioners shall be absolutely binding upon all the parties interested. The just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

Decree to be final after sixty days.

Expense of commission.

SECTION 4. In lieu of such damages as shall be awarded by said commissioners, said corporation shall have the right of appeal to a jury in the same manner, and subject to the same liability as to costs, as a party aggrieved by the doings of county commissioners in their estimation of damages, except that the application for a jury shall be made to the county commissioners of the county of Norfolk, within sixty days after the time of receiving the report of said commissioners, to be made to the clerk of said corporation. In case of such appeal, the jury shall be summoned from the county of Norfolk, and the costs properly incurred by the commissioners of the county of Norfolk on account of such appeal, and the amount awarded as damages and costs to said corporation, shall be paid by the county of Plymouth.

In lieu of damages awarded corporation may have jury.

Jury to be of Norfolk ; award and costs to be paid by Plymouth.

SECTION 5. The selectmen of the towns of Scituate and Marshfield shall, on and after the first of June next, have the care and superintendence of said abutments, bridge, draws and piers, and cause them to be kept in good repair, and safe and convenient for travel, and the passage of vessels, and shall provide a draw-tender and all necessary agents, and discharge all the duties hitherto incumbent upon said corporation relative to the care and maintenance of said abutments, bridge, draws and piers ; and they shall also have the care and superintendence of any land or houses that may be obtained under the provisions of this act.

Selectmen of Scituate and Marshfield to have care on June 1, '65.

SECTION 6. Liability for defects in said abutments, bridge, draws and piers, shall exist on the part of the towns in which

Towns respectively liable for defects

they respectively lie, in like manner as in the case of defects in town ways; and the damages and costs which may be recovered on account of such defects, shall be paid by said towns in such manner, and in such proportions as they shall be required to contribute for the repairs and maintenance thereof by the decree of said commissioners.

SECTION 7. This act shall take effect upon its passage.

Approved March 20, 1865.

Chap. 89. AN ACT CONCERNING THE FOXBOROUGH BRANCH RAILROAD COMPANY.
Be it enacted, &c., as follows :

May unite with
Boston and Prov-
idence and Taun-
ton Branch Com-
panies.

The Foxborough Branch Railroad Company is hereby authorized to enter with its road upon or unite the same with and use the roads of the Boston and Providence Railroad Company and of the Taunton Branch Railroad Company; and the Boston and Providence Railroad Company and the Taunton Branch Railroad Company are hereby authorized to enter, respectively, with their roads upon or unite the same with and use the road of the Foxborough Branch Railroad Company.

Approved March 22, 1865.

Chap. 90. AN ACT RELATING TO PREMIUMS OFFERED BY AGRICULTURAL SOCIETIES.

Be it enacted, &c., as follows :

Societies receiv-
ing bounties, how
to distribute.

SECTION 1. Agricultural societies receiving bounty from the Commonwealth shall make such rules and regulations in the distribution thereof, as shall in their opinion best promote the improvement of agriculture; subject, however, to the restrictions of sections six, seven, eight and nine of chapter sixty-six of the General Statutes.

Repeal.

SECTION 2. The fourth section of chapter sixty-six of the General Statutes is hereby repealed.

Approved March 22, 1865.

Chap. 91. AN ACT TO INCORPORATE THE ACCIDENT INSURANCE COMPANY.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. James B. Dow, Benjamin French, James H. Freeman, their associates and successors, are hereby made a corporation, by the name of The Accident Insurance Company, for the purpose of insuring persons against accidental loss of life, and against personal injuries sustained by casualties and accidents of all kinds.

Title.

Purpose

Location

Capital.

SECTION 2. Said corporation shall be located in Boston, in the county of Suffolk, and shall have a capital stock of one hundred thousand dollars, with the privilege of increasing it to three hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation

may issue policies and commence business, after the same shall have been duly organized, and the whole amount of the capital stock shall have been paid in cash, and shall be subject to all laws that now are, or may hereafter be in force relative to insurance companies. Issue of policies.

SECTION 3. The directors may make all such necessary regulations as to proof of losses and payment thereof as may be required in the prosecution of the business of the corporation, but said corporation shall not insure any one person in a sum exceeding five thousand dollars. Powers of directors.

Approved March 22, 1865.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE DORCHESTER FIRE INSURANCE COMPANY.

Chap. 92.

Be it enacted, &c., as follows :

SECTION 1. The Dorchester Fire Insurance Company is hereby authorized to remove its office and be established in Boston, and may increase its capital stock to an amount not exceeding five hundred thousand dollars. May remove office to Boston and increase capital.

SECTION 2. Said company may take the name of the Sun Insurance Company, and insure against the perils of the sea and other perils usually insured against by marine insurance companies, and make all and every insurance appertaining to or connected with marine risks and risks of inland navigation and transportation, and make such insurance whenever the sum of two hundred and fifty thousand dollars capital shall have been actually paid in. May change name and take marine risks.
Capital to be paid in.

SECTION 3. A majority of the board of directors of the company may at their discretion at any time, give the holders of the policies of the company the right to participate in the net profits of the company to such extent, in such manner and upon such terms and conditions as they shall prescribe in their by-laws. Net profits, directors may give policy holders dividend of, under by-laws.

Approved March 22, 1865.

AN ACT TO AUTHORIZE THOMAS NILES TO EXTEND HIS WHARF IN GLOUCESTER.

Chap. 93.

Be it enacted, &c., as follows :

Thomas Niles, proprietor of a wharf in Gloucester, is hereby authorized to extend and maintain said wharf to a point not exceeding two hundred feet beyond low water mark, with the right to lay vessels at the end and sides of said wharf and receive wharfage and dockage therefor: *provided, however*, that if a channel line is hereafter duly established by authority of law in the harbor of said Gloucester, said wharf shall not be maintained beyond said line; and *provided, further*, that this grant shall in no wise impair the legal rights of any person. May extend 200 feet beyond low water mark.
Provisos.

Approved March 22, 1865.

Chap. 94. AN ACT TO AUTHORIZE NATHANIEL LEWIS TO BUILD A WHARF IN PROVINCETOWN.

Be it enacted, &c., as follows :

May extend to low water mark and maintain.

Nathaniel Lewis, owner of land and flats in Provincetown, is hereby authorized to build and maintain a wharf in the harbor of said Provincetown, adjacent to his land and flats aforesaid, and extending to low water mark in said harbor, with a right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that if a commissioners' line is hereafter duly established by authority of law in the harbor of said Provincetown, said wharf shall not be maintained beyond such line; and *provided, also*, that this grant shall in no wise impair the legal rights of any person.

Provisos.

Approved March 22, 1865.

Chap. 95. AN ACT TO AUTHORIZE THE SOCIETY OF THE WEST PRECINCT OF NEEDHAM TO SELL AND CONVEY REAL ESTATE AND PERSONAL PROPERTY.

Be it enacted, &c., as follows :

May convey to Wellesley Congregational Society.

SECTION 1. The parish in Needham called the West Precinct, is hereby authorized to sell and convey to the Wellesley Congregational Society, in Needham, by a suitable deed, and upon such conditions as may be expressed therein, the parish meeting-house of said West Precinct, and all the other real estate and personal property belonging to the said parish.

Clerk and treasurer authorized to act.

SECTION 2. The clerk and treasurer of said parish are authorized to convey the said real estate and personal property.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1865.

Chap. 96. AN ACT RELATING TO THE REGISTRY AND RETURN OF BIRTHS.

Be it enacted, &c., as follows :

Physicians and midwives to return to clerks of towns.

SECTION 1. It shall be the duty of every physician and midwife in the several cities and towns in this Commonwealth, on or before the tenth day of each month, to forward to the clerk of each city and town a correct list of the births of all children born therein during the month next preceeding, at which such physician or midwife was present; stating therein, as nearly as practicable, the place and date of each birth, the name, sex and color of the child, the names, places of birth and residence of the parents, and the occupation of the father.

Fee for certificate.

SECTION 2. For every certificate of a birth, the physician or midwife shall receive twenty-five cents from such city or

town; and any physician or midwife neglecting to forward such list for six months after it is due, shall forfeit a sum not exceeding five dollars, to be recovered as provided in the twelfth section of the twenty-first chapter of the General Statutes. Penalty for neglect.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1865.

AN ACT TO INCORPORATE THE BOSTON CHILDREN'S AID SOCIETY. Chap. 97.
Be it enacted, &c., as follows:

SECTION 1. Charles G. Loring, George Bemis, Francis C. Lowell, Charles F. Barnard, James Freeman Clarke, Marshall S. Scudder and James Tolman, their associates and successors, are hereby made a corporation by the name of the Boston Children's Aid Society, for the purpose of providing temporary homes for vagrant, destitute and exposed children, and those under criminal prosecution, of tender age, in the city of Boston and its vicinity, and of providing for them such other or further relief as may be advisable, to rescue them from moral ruin; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws that now are, or may hereafter be in force in relation to such corporations. Corporators.
Title.
Purpose.
Powers.

SECTION 2. All persons who were members of the association known as the Boston Children's Aid Society, before the passage of this act, and whose names, by their consent, shall be entered as members upon the records of this corporation, shall be members thereof; and members of this corporation shall hereafter be eligible in such manner as the by-laws thereof shall provide. Members of former association to be of corporation.

SECTION 3. The directors of the said corporation shall consist of a president, three vice-presidents, a treasurer, a clerk, and not less than nine nor more than twenty other members, who shall be chosen by ballot at the first meeting, and subsequently at each annual meeting; and all officers, except those first chosen, shall hold their offices for one year and until others shall be chosen in their stead. Government of society, designation, election and tenure of officers.

SECTION 4. The directors shall have authority, at their discretion, to receive into their asylum or care such children of tender age as they may deem suitable objects of the charity intended by this institution; and also to accept a surrender, in writing, by the father, or where there is no father having his legal domicile within the Commonwealth, by the mother, or where there is no father nor mother having such domicile, by the guardian, of any child or children, to the care and direction of said institution; and also to take and Directors may receive children and accept surrender from parent or guardian.

May also take charge of children deserted or without homes.

May bind out in families.

Parent returning may receive child upon payment of expense incurred.

Child surrendered to institution or deserted, directors may allow adoption upon petition to probate court.

Authority of directors defined.

S. J. Court may reverse decree of indenture upon application of parent.

receive into the charge of the said institution any children, being destitute of parents having such domicile, or of legal guardians, in the Commonwealth; or being deserted by their parents or guardians, in such manner as to have no regular home provided for them, under the custody and care of such parents or guardians; and to bind out in virtuous families, until the age of twenty-one years, any boy or boys, and until the age of eighteen years, any girl or girls, thus surrendered, thus destitute, or thus deserted, and taken or received under their charge: *provided, however*, that any parent whose child or children, during the absence of such parent from this Commonwealth, shall have received relief and support, or been bound out as aforesaid, shall have liberty, on his or her return, to receive such child or children, upon paying to the treasurer of said institution the expense incurred in his or their support or care as aforesaid.

SECTION 5. The directors shall have authority to consent to the adoption of any child which shall have been surrendered to the institution as aforesaid, by any person suitable and competent for the nurture and rearing of such child, upon his or her petition to the probate court, in the county of his or her residence, made conformably to the provisions of the one hundred and tenth chapter of the General Statutes; and shall in like manner have authority to consent to such adoption of any child destitute or deserted as aforesaid, taken under the charge and protection of said institution, not having any parent or guardian having a legal domicile within the Commonwealth, or either of whose parents is insane, or imprisoned in the state prison or house of correction under a sentence for a term of not less than three years, or who has wilfully neglected to provide proper care and maintenance for the child for six months preceding the time of filing the petition. And such consent of said directors in writing, in either or any of the cases aforesaid, shall have the same legal effect as the written consent of the parents of such child, or of the survivor of them, would have had if living and so consenting. And any decree of adoption made by such probate court upon such consent of the directors, shall have the same effect to all intents and purposes as if the same had been made conformably to the provisions of said act, with the written consent of the parents or surviving parent of such child; saving however to such parent or parents, who had not surrendered it to the institution as aforesaid, and who had not, before the hearing upon such petition, actual notice thereof, the right at any time within one year after actual notice of such adoption, to apply to the

supreme judicial court for the reversal of the decree of adoption, if upon a hearing, after due notice to the parties interested, the said court shall be satisfied that any material allegation in the petition was untrue, and that in its discretion the decree ought to be reversed.

SECTION 6. The directors shall have authority to establish any rules and by-laws for their action by committees in the premises, or otherwise, and for regulating the proceedings of the board, and for the management of the concerns of said institution, not repugnant to the laws of the Commonwealth or the by-laws and orders of said institution.

Directors may establish by-laws for institution.

SECTION 7. Said corporation may, for the purposes aforesaid, hold real and personal estate not exceeding one hundred thousand dollars.

Real and personal estate.

SECTION 8. Any one of the persons named in the first section of this act is hereby authorized to call the first meeting of the corporation.

Authority to call first meeting.

Approved March 24, 1865.

AN ACT TO INCORPORATE THE BALDWIN PLACE HOME FOR LITTLE WANDERERS.

Chap. 98.

Be it enacted, &c., as follows :

SECTION 1. J. Warren Merrill, Franklin Snow, Isaac Rich, their associates and successors, are hereby made a corporation, by the name of the Baldwin Place Home for Little Wanderers, in the city of Boston, for the purpose of rescuing destitute children from want and shame, providing them with food and clothing, giving them instruction for the mind and heart, and placing them, with the consent of their parents or legal guardians, in christian homes ; also, at the discretion of the managers, for the purpose of affording relief to the destitute, in connection with the families of poor children, and furnishing moral and religious culture to the ignorant and neglected ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relative to such corporations : and for the purposes aforesaid, such corporation may take and hold real and personal property to an amount not exceeding one hundred thousand dollars.

Corporators.

Title.

Location.
Purpose.

Powers.

Real and personal estate.

SECTION 2. The number of managers of this institution shall not be more than fifteen, nor less than ten ; and such managers may be elected, from time to time, in accordance with the constitution and by-laws of the corporation, to fill vacancies as they may occur, either from death, resignation or removal from the Commonwealth.

Managers of institution, number and how chosen.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1865.

Chap. 99. AN ACT TO INCORPORATE THE TRUSTEES OF THE COLLEGE OF THE HOLY CROSS.

Be it enacted, &c., as follows :

Corporators to be trustees.	SECTION 1. James Clark, Charles Fulmer, James C. Moore, Charles F. Kelly, Livy Vigilante, their associates and successors, are hereby constituted a body corporate, by the name of the Trustees of the College of the Holy Cross, in the city of Worcester, and they and their successors, and such as shall be duly elected members of such corporation, shall be and
Title.	remain a body corporate by that name forever ; and for the orderly conducting of the business of said corporation, the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary, treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices, and also to
Location.	remove any trustee from the corporation when, in their judgment, he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and also, from time to time, to elect new members of said corporation : <i>provided</i> , that the number of members shall never be less than five, nor more than eleven.
May elect officers and declare duties and tenures.	SECTION 2. The said corporation shall have power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the trustees to convene such meetings, and also, from time to time, to elect a president of said college, and such professors, tutors, instructors, and other officers of the said college, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures of their several offices ; and the said corporation is further empowered to purchase or erect and keep in repair such houses and other buildings as it shall judge necessary for said college, and to confer such degrees as are conferred by any college in this Commonwealth, except medical degrees : <i>provided, nevertheless</i> , that no corporate business shall be transacted at any meeting unless a majority of the trustees are present.
May supersede trustees.	SECTION 3. Said corporation may have a common seal, which it may alter or renew at pleasure, and all deeds sealed with the seal of said corporation, and signed by its order, shall, when made in the corporate name, be considered in law as the deeds of said corporation ; and said corporation
Proviso.	may sue and be sued in all actions, real, personal or mixed, and may prosecute the same to final judgment and execution
General powers of trustees.	
May establish corporate seal.	
May sue and be sued.	

by the name of the Trustees of the College of the Holy Cross; and said corporation shall be capable of taking and holding in fee simple or any less estate, by gift, grant, bequest, devise, or otherwise, any lands, tenements, or other estate, real or personal, to an amount not exceeding three hundred thousand dollars.

May hold real and personal estate.

SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized or possessed, shall be appropriated to the endowment of said college in such manner as shall best promote virtue, piety and learning in such of the languages and of the liberal and useful arts and sciences as shall be recommended from time to time by the said corporation, conforming, however, to the will of any donor or donors in the application of any estate which may be given, devised or bequeathed for any particular object connected with the college; and no misnomer of the said corporation shall defeat or annul any donation, gift, grant, devise or bequest, to or from the said corporation.

Income of estate, how to be appropriated.

Wills of donors to be observed.

SECTION 5. The legislature of this Commonwealth may alter, limit, restrain or annul any of the powers vested by this act in the said corporation as shall be deemed necessary, and more especially may appoint overseers or visitors of the said college, with all necessary powers for the better aid, preservation and government thereof.

Reserved power of legislature defined.

SECTION 6. The granting of this charter shall never be considered as any pledge on the part of the Commonwealth that pecuniary aid shall hereafter be granted to the college.

Charter not to be deemed pledge of pecuniary aid.

Approved March 24, 1865.

AN ACT IN RELATION TO QUALIFYING THE TREASURERS OF PARISHES
AND RELIGIOUS SOCIETIES.

Chap. 100

Be it enacted, &c., as follows :

SECTION 1. The provisions of the fifteenth section of the thirtieth chapter of the General Statutes are hereby so amended, that the clerk of parishes and religious societies may administer the oath of office to the treasurer, as well as to the assessors and collector.

Clerks may administer oaths.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1865.

AN ACT IN RELATION TO THE FEES OF SHERIFFS.

Chap. 101

Be it enacted, &c., as follows :

SECTION 1. The fees of sheriffs for the services in this act specified shall be as follows:

Fees for service:

For the service of an original summons or scire facias, either by reading the same or leaving a copy, fifty cents for each defendant on whom service is made :

Summons or scire facias.

Capias, or attachment with summons.

For the service of a capias, or of an attachment with summons, fifty cents for each defendant on whom it is served; and if the officer, by the direction of the plaintiff or his attorney, makes a special service of such writ, either by attaching personal property or arresting the body, he shall be entitled to one dollar for each defendant on whom the writ is so served :

Copy of precept.

For the copy of any precept when required by law or furnished to any party at his request, at the rate of twenty cents a page :

Bail, taking, and bond.

For taking bail, and furnishing and writing the bail bond, one dollar, to be paid by the defendant, and taxed in his bill of costs if he prevails :

Serving executions in personal actions, collecting on same, etc.

For serving executions in personal actions, and collecting damages or costs on any execution, warrant of distress, or other like process, for any sum not exceeding one hundred dollars, four cents for every dollar; all above one hundred dollars and not exceeding five hundred dollars, two cents for every dollar; and all above five hundred dollars, one cent for every dollar: *provided*, that such percentage shall not be allowed except upon the amount actually collected; and *provided, further*, that upon payment by the debtor on demand, or without levy of the execution upon the property or body of the debtor, the fees shall be one-half only of the above rates :

Provisos.

Travel on original service.

For travel in the service of all original writs, executions, warrants, subpoenas, and other like processes, four cents a mile each way, to be computed from the place of service to the court or place of return; and if the same precept is served on more than one person, the travel shall be computed from the most remote place of service, with such further travel as was necessary in serving it; if the distance from the place of service to the place of return exceeds twenty, and does not exceed fifty miles, four cents a mile one way only shall be allowed for all travel exceeding twenty miles, and if it exceeds fifty miles, only one cent a mile one way shall be allowed for all travel exceeding that distance.

Repeal.

SECTION 2. All provisions of the fourth section of chapter one hundred and fifty-seven of the General Statutes inconsistent herewith, are hereby repealed.

Approved March 24, 1865.

Chap. 102 AN ACT CONCERNING THE OLD COLONY AND NEWPORT RAILWAY COMPANY.

Be it enacted, &c., as follows :

Repeal of requirement in Act of '61.

SECTION 1. So much of chapter one hundred and thirty-seven of the acts of the year eighteen hundred and sixty-one

as authorizes and requires the Old Colony and Fall River Railroad Company, now known as the Old Colony and Newport Railway Company, to raise the grade of Fourth street, in the city of Boston, and to construct its railroad under said street, is hereby repealed, and the said company is hereby authorized to construct its railroad across said Fourth street at grade.

May construct over Fourth St. in Boston.

SECTION 2. The board of aldermen of the city of Boston shall have the same powers in respect to said crossing as they now have by law where railroads cross highways at grade within the limits of said city.

Mayor and aldermen, powers defined.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1865.

AN ACT TO INCORPORATE THE WOOD'S HOLE RAILROAD COMPANY.

Be it enacted, &c., as follows:

Chap. 103

SECTION 1. Alexander Baxter, Nathaniel Hinckley, George Marston, their associates and successors, are hereby made a corporation, by the name of the Wood's Hole Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities contained in the general laws that now are or may hereafter be in force relative to railroad corporations.

Corporators.

Title.

Powers.

SECTION 2. Said corporation is hereby authorized to locate, construct and maintain a railroad, with one or more tracks, commencing at a point in the town of Barnstable, near the West Barnstable station of the Cape Cod Railroad Company, thence running in a westerly direction through the villages of Marston's Mills and Cotuit, and the district of Marshpee, and near the village of Waquoit, and through the town of Falmouth, to and into tide water at Wood's Hole Harbor, in said Falmouth; with the right to build and maintain, in tide water in said harbor, such wharf or wharves as may be necessary for the convenient transshipment of freight and passengers at that place.

Construction: commencement, line and terminus.

May maintain wharves.

SECTION 3. The capital stock of said company shall be four hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

SECTION 4. Said company is hereby authorized to enter upon and unite its railroad with the railroad of the Cape Cod Railroad Company, at or near West Barnstable station, and to use the railroad of said Cape Cod Railroad Company upon the terms provided by the general laws of the Commonwealth.

May unite with Cape Cod railroad company.

SECTION 5. This act shall be void if the location of the railroad herein authorized shall not be filed with the county

Conditions of validity of act.

commissioners of the county of Barnstable within three years, and if said railroad is not completed within five years after the passage of this act. *Approved March 24, 1865.*

Chap. 104 AN ACT CONCERNING THE VINEYARD SOUND RAILROAD COMPANY.
Be it enacted, &c., as follows:

Act of '61, incorporating, revived.

An act to incorporate the Vineyard Sound Railroad Company, passed on the eleventh day of April in the year eighteen hundred and sixty-one, is hereby revived and confirmed: *provided*, said corporation shall be organized within one year, and shall file its location within two years, and complete the construction of its railroad within four years, from the passage of this act. *Approved March 27, 1865.*

Proviso.

Chap. 105 AN ACT TO AMEND THE CHARTER OF THE SCOTS CHARITABLE SOCIETY.
Be it enacted, &c., as follows:

Section of Act of 1786 repealed.

Section four of the act passed on the sixteenth day of March in the year seventeen hundred and eighty-six, entitled an act for incorporating certain persons by the name of the Scots Charitable Society, is hereby repealed.

Approved March 27, 1865.

Chap. 106 AN ACT TO INCORPORATE THE TRUSTEES OF ST. MARK'S SCHOOL.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. Joseph Burnett, Isaac F. Redfield, Josiah G. Abbott, their associates and successors, are hereby constituted a body corporate, under the name of the Trustees of St. Mark's School, for the purpose of establishing and maintaining a school for the education of boys, to be located in the town of Southborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Title.

Location.
Powers.

Trustees, number of: may fill vacancies.

Majority required for corporate action.

SECTION 2. Said board of trustees shall consist of not less than seven nor more than thirteen members, and shall have power to fill vacancies in their own number: *provided*, that no corporate business shall be transacted at any meeting of said board unless a majority of the trustees are present.

May hold estate for educational use.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to educational purposes, as provided in this act.

SECTION 4. This act shall take effect upon its passage.

Approved March 27, 1865.

AN ACT TO INCORPORATE THE DEAN ACADEMY.

Chap. 107

Be it enacted, &c., as follows:

SECTION 1. A. St. John Chambré, George S. Weaver, Theodore K. Taylor, their associates and successors, are hereby made a corporation by the name of the Dean Academy in the town of Franklin; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are, or hereafter may be in force relating to such corporations.

Corporators.

Title.

Powers.

SECTION 2. Said corporation may hold real and personal estate to the amount of one hundred and fifty thousand dollars, to be devoted exclusively to the purposes of education.

May hold estate for educational use.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1865.

AN ACT TO AUTHORIZE TOWNS AND CITIES TO RAISE AND EXPEND MONEY FOR RECRUITING PURPOSES.

Chap. 108

Be it enacted, &c., as follows:

SECTION 1. The provisions of chapter one hundred and twenty of the acts of eighteen hundred and sixty-four, are hereby extended, and shall apply to any call or order for volunteers for the military service, issued by the president of the United States before the first day of March, in the year eighteen hundred and sixty-six; and any town or city may raise and apply money, under the provisions and limitations of said act, in anticipation of any such call.

Act of '64, ch. 120, to apply to U. S. calls until March '66.

Towns may anticipate.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1865.

AN ACT TO CEDE JURISDICTION TO THE UNITED STATES OVER WINTER ISLAND, IN SALEM HARBOR.

Chap. 109

Be it enacted, &c., as follows:

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America over all that portion of Winter Island, in Salem harbor, lying above low water mark, which may at any time have been acquired by the United States by deed from the municipal authorities of Salem for military purposes, including the present Fort Pickering and buildings connected therewith: *provided*, that a general plan of said premises shall be filed with the secretary of this Commonwealth within one year after the passage of this act; and *provided, also*, that this Commonwealth shall retain concurrent jurisdiction with the United States in and over all the lands aforesaid, so far that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on said lands, and in any buildings thereon or to

Jurisdiction ceded.

Provisos.

be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1865.

Chap. 110 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BUNKER HILL MONUMENT ASSOCIATION.

Be it enacted, &c., as follows :

May rebuild the Beacon hill monument.

SECTION 1. The Bunker Hill Monument Association is hereby authorized, on some suitable site to be selected and provided by them, to rebuild the Beacon Hill Monument which was, in the year seventeen hundred and ninety, built by the citizens of Boston "to commemorate that train of events which led to the American Revolution, and finally secured Liberty and Independence to the United States," and to take such legal and proper measures as may be necessary to effect their object : *provided*, that said association shall not be authorized to rebuild said monument on any land belonging to the city of Boston, without the consent of its public authorities first obtained.

Proviso.

May receive tablets in Doric hall of state house.

SECTION 2. For the purpose expressed in the foregoing section, the said Bunker Hill Monument Association is hereby authorized to take and receive the four tablets or inscriptions formerly composing a part of said Beacon Hill Monument, now in the doric hall of the state house ; and the sergeant-at-arms for the time being is authorized and empowered to deliver the same to said association, its committee or agent, whenever he is satisfied said tablets are to be used in rebuilding said monument, and are required for that purpose.

Sergeant-at-arms to deliver upon evidence.

Approved March 28, 1865.

Chap. 111 AN ACT IN RELATION TO THE STATE PRISON.

Be it enacted, &c., as follows :

Warden and inspectors may procure water of city of Charlestown.

The warden and board of inspectors of the state prison are hereby authorized and empowered to procure a supply of water for the prison from the water-works of the city of Charlestown, by agreement to be by them made with said city.

Approved March 28, 1865.

Chap. 112 AN ACT TO AUTHORIZE THE NEW HAVEN AND NORTHAMPTON COMPANY TO EXTEND ITS RAILROAD AND CONNECT ITS TRACKS WITH THE CONNECTICUT RIVER RAILROAD.

Be it enacted, &c., as follows :

May re-locate in Northampton.

SECTION 1. The New Haven and Northampton Company is hereby authorized to re-locate, extend and construct its railroad in the town of Northampton, from a point within its present location, and within three hundred feet of the southerly side of Pleasant street, in said town, and over said

Pleasant street and Main street at grade to a point on the lands of said company northerly of said Main street; with power to make a convenient connection for the interchange of cars with the Connecticut River Railroad, at some point on the west track of said Connecticut River Railroad opposite the lot called the "passenger house lot" of the New Haven and Northampton Company, at which point the Connecticut River Railroad Company shall maintain a switch for the purpose of said connection: *provided, however*, that the said New Haven and Northampton Company shall not lay any track within seventy-eight feet of the west corner of the passenger house of the Connecticut River Railroad Company, as it now stands, nor within sixty feet of the northerly corner post of the north baggage shed of the said Connecticut River Railroad Company; *provided, also*, that the easterly line of the location of said New Haven and Northampton Company across the lands of said Connecticut River Railroad Company, shall be parallel to and not more than ten feet distant from the main track to be located as above.

May connect with
Conn. river rail-
road.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1865.

AN ACT RELATING TO THE PROOF OF CLAIMS AGAINST ESTATES OF
INSOLVENT DEBTORS.

Chap. 113

Be it enacted, &c., as follows:

SECTION 1. Whenever, upon the dissolution of any copartnership, one or more of the copartners, or a new copartnership formed by the addition of new members, shall have made an agreement to pay any outstanding debts of such copartnership; or whenever a person or firm, in consideration of the receipt or transfer of property, shall have made an agreement to pay any outstanding debts of the party from whom such property was received or transferred, and the party agreeing to pay shall have become insolvent, such debts may, if the creditor elect, be proved against the estate of such insolvent debtor or debtors as his or their own debts, and the proof and allowance of any such debt shall be a discharge of the party originally liable therefor.

Party agreeing,
for consideration,
to pay debts of
another, creditor
may prove claim
same as against
original, who
shall be dis-
charged thereby.

SECTION 2. Whenever the original debtor, in either of the cases named in the first section of this act, shall have been compelled to pay the debt so agreed to be paid, he shall have the same right to prove the amount so paid as the original creditor would have had.

Original debtor
to have right of
proof, as origi-
nal creditor.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1865.

Chap. 114 AN ACT AUTHORIZING THE PAYMENT OF A SALARY TO THE REGISTER OF DEEDS FOR THE COUNTY OF DUKES COUNTY.

Be it enacted, &c., as follows :

County commis-
sioners may pay.

SECTION 1. The county commissioners of the county of Dukes county are hereby authorized to pay the register of deeds of said county an annual salary of two hundred dollars, the same to be in addition to his fees as now provided by law, and to be paid from the county treasury.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1865.

Chap. 115 AN ACT ESTABLISHING THE FEES FOR SURVEYING LUMBER AND DEFINING THE LUMBER DISTRICT.

Be it enacted, &c., as follows :

Increase of fees
to 30 cents per
1,000 feet.

SECTION 1. The fees for surveying and marking lumber, as now established in the General Statutes, chapter forty-nine, section one hundred and forty-one, at twenty-four cents for every thousand feet, board measure, shall, after the passage of this act, be thirty cents: *provided*, that in no case shall the surveyor-general receive more than thirty-two hundred dollars for his fees in any one year; and such excess, if any, as he may receive, shall be paid by him yearly into the state treasury.

Proviso.

Medford, Brook-
line and Water-
town added.

SECTION 2. The towns of Medford, Brookline and Watertown, shall be added to and form part of the lumber district as established in said chapter forty-nine, section one hundred and twenty-six.

Approved March 30, 1865.

Chap. 116 AN ACT TO INCORPORATE THE BOSTON LABOR REFORM ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Ira Steward, Bartlett J. Brown, George M. Mills, their associates and successors, are hereby made a corporation, by the name of the Boston Labor Reform Association, for the purpose of improving the condition of the mechanic and laboring classes in their various occupations, by imparting scientific and practical knowledge of the same, and promoting their general improvement by the diffusion of knowledge through lectures, libraries, and such other means as may be applicable, in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Title.

Purpose.

Powers.

Real and per-
sonal estate.

SECTION 2. Said corporation may hold real and personal estate to the amount of twenty-five thousand dollars, to be devoted exclusively to the purposes aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1865.

AN ACT TO INCORPORATE THE WAMESIT POWER COMPANY.

Chap. 117

Be it enacted, &c., as follows :

SECTION 1. Gilman Kimball, Harrison Flint and Benjamin F. Butler, their associates and successors, are hereby made a corporation by the name of the Wamesit Power Company, for the purpose of managing, improving, using, selling and leasing to other persons and corporations power derived from water to be drawn by a canal from a head maintained by a dam across Concord River, near the Lowell cemetery, and by the use of steam-engines for like purposes; and to use steam and water power for mechanical and manufacturing purposes; with all the powers and privileges, and subject to all duties and liabilities given or imposed by general laws passed or to be passed, and applicable to like corporations.

Corporators.

Title.

Purpose.

Powers.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate not exceeding three hundred thousand dollars in value, and personal estate to the value of two hundred thousand dollars.

Real and personal estate.

SECTION 3. The capital stock of said company shall not be less than one hundred and fifty thousand dollars; and may be increased from time to time to an amount not exceeding five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

Shares.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1865.

AN ACT IN RELATION TO THE SALEM AND SOUTH DANVERS RAILROAD COMPANY.

Chap. 118

Be it enacted, &c., as follows :

SECTION 1. The time allowed to the Salem and South Danvers Railroad Company for extending its railway into the towns of Marblehead, Swampscott, Danvers and Lynn, and for the further laying of its tracks in Salem and South Danvers, under the provisions of chapter two hundred and eighty-four of the acts of the year eighteen hundred and sixty-four, and for exercising all other powers granted by said act, is hereby extended to the first day of January in the year eighteen hundred and sixty-seven.

Powers under Act of '62 extended to Jan. '67.

SECTION 2. Said railroad company may, by a vote of the stockholders at a meeting duly holden for that purpose, lease its real estate, tracks, franchise and rights, to any person or persons, or to any other horse railroad company, for such term of years as may be agreed upon by the contracting parties.

Corporation may lease its franchise and property.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1865.

Chap. 119 AN ACT TO INCORPORATE THE FRANKLIN TELEGRAPH COMPANY.*Be it enacted, &c., as follows :*

Corporators. SECTION 1. James W. Brown, Charles H. Burd, James H. Freeman, their associates and successors, are hereby made a corporation, by the name of the Franklin Telegraph Company, for the purpose of constructing and using, purchasing and connecting with lines of telegraph within this Commonwealth and elsewhere within the United States, and also for manufacturing and selling Burd's patent telegraph instruments; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws that now are or hereafter may be in force relating to such corporations.

Estate. SECTION 2. Said corporation may hold such real and personal estate as may be necessary for the purposes aforesaid; but the whole capital stock shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.
Shares
Conditions of validity of Act after two years. SECTION 3. If within two years from the passage of this act, at least one hundred thousand dollars shall not have been subscribed, and paid in cash, on said capital stock, and at least two hundred miles of telegraph lines, forty thereof in this Commonwealth, shall not have been constructed by said corporation, or if the franchise, charter, or any portion of the telegraph line of the said corporation shall be sold or offered for sale, to any existing telegraph company, or to any person or association of persons, before the conditions of this section shall have been complied with, then this act shall be void.

Rates of toll legislature may control.
Proviso. SECTION 4. The legislature may, from time to time, alter or reduce the rates of toll charged by said corporation: *provided*, said tolls shall not, without the consent of said corporation, be so reduced as to produce a clear net profit of less than ten per cent. a year on the capital actually paid in.

*Approved March 30, 1865.***Chap. 120** AN ACT TO UNITE THE SECOND CONGREGATIONAL SOCIETY AND THE FIRST UNIVERSALIST SOCIETY IN LEXINGTON.*Be it enacted, &c., as follows :*

May consolidate under name of Church of the Redeemer. SECTION 1. The Second Congregational Society and the First Universalist Society in Lexington are hereby authorized, whenever the members of said corporations, at meetings called for that purpose, shall so vote, to unite themselves in one corporation, to be called the Church of the Redeemer; and when such votes shall have been passed by said corporations, they shall thereupon become one corporation, with the

name aforesaid; and all the powers, privileges, franchises and property now enjoyed and possessed by said two corporations shall appertain to and vest in such new corporation.

SECTION 2. Said new corporation is hereby authorized to sell and dispose of one of the meeting-houses now owned by said corporations, and the land connected with and belonging thereto, and may authorize any officer of said new corporation to execute the necessary deeds of conveyance.

New corporation may sell one estate.

SECTION 3. The trustees of the Lexington Ministerial Fund shall pay to the treasurer of the Church of the Redeemer the same proportion of the annual income of said fund which has heretofore been paid to the two societies aforesaid, until a new apportionment of such income shall be made, according to the provisions of section five of chapter one hundred and twelve of the acts of the year eighteen hundred and forty-five.

Lexington ministerial fund, new church to be paid income.

SECTION 4. Whenever any vacancy shall occur in the office of trustee of said fund, it shall be filled by an election by ballot, at a meeting of the members of the society in which such vacancy shall occur.

Vacancies in trustees to be filled by respective societies.

SECTION 5. All acts and parts of acts heretofore passed inconsistent with the provisions of this act are hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved March 30, 1865.

AN ACT RELATING TO THE ABATEMENT OF TAXES.

Be it enacted, &c., as follows:

When the assessors of a city or town have given notice to the inhabitants thereof to bring in true lists of all their polls and estates, not exempt from taxation, in accordance with the provisions of the twenty-second section of the eleventh chapter of the General Statutes, they shall not afterwards abate any part of the tax assessed on personal estate to any person who did not bring in such list within the time specified therefor in such notice, unless such tax exceeds by more than fifty *per centum* the amount which would have been assessed to that person on personal estate, if he had seasonably brought in said list; and if said tax exceeds by more than fifty *per centum* the said amount, the abatement shall be only of the excess above the said fifty *per centum*: *provided, however*, that this act shall not effect any person who can show a reasonable excuse for not seasonably bringing in said list.

Chap. 121

No abatement to be allowed upon lists not rendered within time, unless tax exceeds 50 per cent. of just assessment, when excess only shall be abated.

Proviso.

Approved April 1, 1865.

Chap. 122 AN ACT TO ESTABLISH THE MASSACHUSETTS WAR FUND, AND TO
CREATE A SINKING FUND FOR ITS REDEMPTION.

Be it enacted, &c., as follows:

War fund established, to be used in lieu of bounty fund, by executive.

SECTION 1. For the purpose of providing for the unfunded debt of the Commonwealth, now existing, or that may be incurred by the payment of bounties, or other expenses, on account of the war, a fund additional to the Massachusetts bounty fund, authorized by chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, is hereby established, to be called the Massachusetts War Fund, in either of which funds, as the governor and council may determine, the aforesaid debt, not otherwise provided for, may be funded.

Treasurer may issue scrip for ten millions.

SECTION 2. For the purposes of this act, the treasurer and receiver-general is hereby authorized to issue scrip, or certificates of debt, in the name and on the behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding ten millions of dollars, for a term not less than five years nor more than twenty years: *provided, however*, that scrip issued for a longer term than five years shall be redeemable at any time, after the expiration of five years, at the option of the Commonwealth. Said scrip, or certificates of debt, shall be issued as registered bonds, or with interest coupons attached, and shall bear interest not exceeding six per cent., payable in the lawful money of the United States, semi-annually, on the first days of March and September in each year. Such scrip, or certificates of debt, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified, in the lawful money of the United States, and shall be sold and disposed of at public auction, or in such other mode, and at such times and in such pieces and amounts, as the governor and council shall deem for the best interest of the Commonwealth.

Proviso; redemption.

Issue to be as registered bonds, or with coupons, at 6 per cent., and disposed as governor and council may direct.

Sinking fund, established and defined:

First, dividends on Western railroad shares.

SECTION 3. For the payment of the scrip or certificates of debt issued under authority of this act, a sinking fund is hereby established, to be composed as follows: *First*, of all dividends which may be received upon such shares in the Western Railroad as the Commonwealth may hold pledged to the debt extinguishment fund when the same shall not be required under the provisions of chapter three hundred and thirteen of the acts of eighteen hundred and sixty-four; and in case said shares shall at any time be sold to meet the payments of the debts for which they are pledged to the said debt extinguishment fund, then the excess of proceeds above

the amount necessary for such liquidation, shall constitute a part of the sinking fund established by this act, unless the same shall be required under the provisions of chapter three hundred and thirteen of the acts of eighteen hundred and sixty-four; *second*, when the same shall not be required under the provisions of chapter three hundred and thirteen of the acts of eighteen hundred and sixty-four, of all the receipts from the sales of back bay lands, less the expense of commissioners, and of filling and preparing the lands for sale, and including that portion now by law payable to the Massachusetts school fund, as soon as said school fund shall have reached the amount of two millions of dollars, and also all the net receipts from sales of other public lands or flats not already appropriated for specific purposes; *third*, if the receipts from these sources do not, in any fiscal year amount to a sum equal to five per cent. of the total amount of scrip or certificates of debt issued under authority of this act, then there shall be raised by taxation in the following year, a sum equal to the difference between the amount of said receipts and five per cent. of the scrip or certificates of debt issued under this act: *provided*, that said tax may be omitted after the fund herein created shall have amounted to a sum, which with its accumulations of interest will be sufficient to pay the scrip at maturity, and the sum so raised from year to year, together with its accumulations of interest, shall be pledged and held as the sinking fund hereby established, to be invested, as is now or may hereafter be provided by law for the investment of trust funds, and used for the redemption and payment of said scrip or certificates of debt.

Second, receipts of sales Back Bay lands.

Third, deficiency, if any, by taxation.

Fund, with interest, becoming sufficient for redemption, tax may be omitted.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1865.

AN ACT TO CHANGE THE TIME OF HOLDING PROBATE COURTS IN
THE COUNTY OF HAMPDEN.

Chap. 123

Be it enacted, &c., as follows:

SECTION 1. Probate courts shall be held in each year, for the county of Hampden, at the times and in the places hereinafter mentioned: At Springfield on the first Tuesdays of January, February, March, April, May, June, July, September, November and December; at Westfield on the third Tuesdays of March, June, September and December; at Monson on the second Tuesday of June, and at Palmer on the second Tuesday of September.

Springfield, Westfield, Monson and Palmer.

SECTION 2. This act shall take effect on the first day of June next, and so much of section thirty-six of chapter one hundred and seventeen of the General Statutes as relates to holding probate courts in the county of Hampden, is hereby repealed.

Act to be in force June 1, '65.

Approved April 1, 1865.

Chap. 124

AN ACT CONCERNING BANK BILLS.

Be it enacted, &c., as follows :

Section 7, chap.
209, Acts 1860,
suspended until
April, 1866.

SECTION 1. The operation of section seven, chapter two hundred and nine, of the acts of the year eighteen hundred and sixty, is hereby suspended until the first day of April, in the year eighteen hundred and sixty-six.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1865.

Chap. 125

AN ACT TO CONFIRM CERTAIN ACTS DONE BY AMOS B. MERRILL AS A JUSTICE OF THE PEACE.

Be it enacted, &c., as follows :

Acts from April
9 to Sept. 9, '64.

SECTION 1. All acts done by Amos B. Merrill, of Boston, esquire, as a justice of the peace within and for the county of Suffolk, between the ninth day of April and the ninth day of September, in the year one thousand eight hundred and sixty-four, are hereby confirmed and made valid, to the same extent as they would have been valid had he been, during that interval, duly qualified to discharge the duties of the said office.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1865.

Chap. 126

AN ACT TO INCORPORATE THE MASSACHUSETTS DENTAL SOCIETY.

Be it enacted, &c., as follows :

Corporators.

Title.

Purpose.

Powers.

Estate.

SECTION 1. N. C. Keep, I. J. Wetherbee, Thomas H. Chandler, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Dental Society, for the purpose of advancing the science and art of dentistry by means of a library and museum, professional lectures and publications, and by premiums and medals for original researches and discoveries; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding ten thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1865.

Chap. 127

AN ACT RELATING TO PERSONAL PROPERTY, HIRED, LEASED, OR HELD AS COLLATERAL SECURITY.

Be it enacted, &c., as follows :

Penalty for act
with intent to
defraud.

SECTION 1. Whoever, with intent to defraud, buys, receives, conceals, or aids in concealing, any personal property, hired, leased, or held as collateral security, knowing

the same to be hired, leased, or held as aforesaid, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the jail not exceeding one year.

SECTION 2. When complaint is made to any magistrate, authorized to issue warrants in criminal cases, that personal property, hired, leased, or held as collateral security, has been fraudulently concealed, and that the complainant believes it is concealed in any particular house or place, the magistrate, if he is satisfied that there is reasonable cause for such belief, shall issue a warrant to search for such property.

Warrant for search to issue upon complaint of concealment.

Approved April 1, 1865.

AN ACT TO INCORPORATE THE NORTHAMPTON AND WILLIAMSBURG STREET RAILWAY COMPANY.

Chap. 128

Be it enacted, &c., as follows :

SECTION 1. Lewis Bodman, Thomas E. Hastings, Joel Hayden, junior, their associates and successors, are hereby made a corporation, by the name of the Northampton and Williamsburg Street Railway Company, for the purpose of building and using a street railway from Northampton to Williamsburg; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relative to street railway corporations.

Corporators.

Title.

Purpose.

Powers.

SECTION 2. The capital stock of said corporation shall not exceed the sum of three hundred thousand dollars, and said corporation may hold real estate to an amount not exceeding one hundred thousand dollars.

Capital stock.

Real estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1865.

AN ACT IN RELATION TO THE DEDHAM AND WEST ROXBURY RAILROAD COMPANY.

Chap. 129

Be it enacted, &c., as follows :

SECTION 1. The Dedham and West Roxbury Railroad Company is hereby authorized to extend its track from its main line, on Shawmut avenue, in West Roxbury, through South street, so as to connect its track with the track of the Metropolitan Railroad Company at or near its car-house on said street.

May extend track and connect with Metropolitan road in West Roxbury.

SECTION 2. The Metropolitan Railroad Company may use such tracks, upon such terms as shall be mutually agreed upon by said parties, or as shall be fixed by commissioners, to be appointed by the supreme judicial court.

Metropolitan Co. may use track.

SECTION 3. The Dedham and West Roxbury Railroad Company may contract with any company with whose tracks it may connect to run and operate its railroad, and may

Dedham and W. Roxbury comp'y may contract to run, or be run

by, any connect-
ing road.

transfer to any such company its franchise, tracks, and other corporate property, and the party receiving such transfer may enjoy all the rights and privileges, and shall be subject to all the duties and liabilities, of said Dedham and West Roxbury Railroad Company.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1865.

Chap. 130 AN ACT TO AUTHORIZE AMOS S. REED AND AMOS N. REED TO EXTEND THEIR RAILWAY TRACK ACROSS BIRCH STREET, IN ABINGTON.

Be it enacted, &c., as follows :

May construct
and maintain.

SECTION 1. Amos S. Reed and Amos N. Reed, their heirs and assigns, are hereby authorized to construct and maintain a railroad track in Abington, being an extension of their present railway turn-out from the terminus thereof, near their steam-mill, crossing Birch street at grade, to their store, for the purpose of facilitating the transportation of merchandise to and from said store.

Crossing to be
made and ap-
proved by select-
men.

SECTION 2. A good and sufficient crossing at said street for teams and carriages shall be constructed and maintained by said Amos S. Reed and Amos N. Reed, their heirs and assigns, under the direction and in a manner approved by the selectmen of the town of Abington.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1865.

Chap. 131 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO BUILD AN ADDITIONAL RESERVOIR.

Be it enacted, &c., as follows :

City council may
direct construc-
tion.

SECTION 1. The city of Boston is hereby authorized, by and through the agency of the Cochituate Water Board therein, or by and through any other agency which shall be established therefor by the city council of said city, to construct and maintain an additional reservoir for receiving, holding and distributing water; and for this purpose, may take and hold, by purchase or otherwise, any lands or real estate, not exceeding two hundred acres, in the towns of Newton, Brighton and Brookline, and lying between the Air Line Railroad, the present line of the said city's aqueduct and Beacon street on the south, Rockland and Brighton streets on the east, South street on the north, and a street leading from said South street to said Beacon street on the west: *provided, however*, that no part of the tract of land comprising the Evergreen Cemetery, in the town of Brighton, shall be so taken and held otherwise than by purchase.

May secure cer-
tain lands in New-
ton, Brighton and
Brookline.

Proviso.

May lay pipes
from reservoir to
pipes in Br'kline.

SECTION 2. The city of Boston may also, by and through the same agency, lay and maintain one or more suitable lines

of pipes from the said reservoir to a convenient point in its line of pipes leading from its reservoir in said Brookline to said city; and may take and hold, by purchase or otherwise, such lands or real estate as may be necessary therefor; and may carry and conduct the said pipes over or under any water-course, or any street, turnpike-road, railroad, highway or other way, in such manner as not to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way, for the purpose of laying the said pipes and for maintaining and repairing the same.

May secure lands.

May cross water-course or way.

SECTION 3. The city of Boston shall at all times save harmless and indemnify any city or town which may become liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against them, respectively, and shall reimburse to them, respectively, all expenses which they shall reasonably incur by reason of any defect or want of repair in such road, street or way, caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in said pipes: *provided*, that said city shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

City to be responsible for damages by reason of defect caused in ways.

Proviso.

SECTION 4. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land or real estate as aforesaid, or by any of its doings under this act; and in regard to such taking, and the ascertainment and payment of all such damages, the city of Boston, and all persons claiming damages, shall have all the rights, immunities and remedies, and be subject to all the duties, liabilities and obligations which are provided in the one hundred and sixty-seventh chapter of the acts of the year one thousand eight hundred and forty-six, the one hundred and eighty-seventh chapter of the acts of the year one thousand eight hundred and forty-nine, and the three hundred and sixteenth chapter of the acts of the year one thousand eight hundred and fifty.

Liable for damages to private property.

Rights and remedies, citizen and city to be subject to Acts of '46, '49 and '50.

SECTION 5. For the purpose of defraying all the costs and expenses of such lands or real estate as shall be taken, purchased or held for the purposes mentioned in this act, and of constructing said reservoir, laying said pipes, and doing all other things incident thereto, the said city council shall have authority to issue, from time to time, notes, scrip or certificates of debt, to such an amount as may be necessary, and in such form, on such length of time, and bearing such rate

City council may issue debt certificates to defray expenditures.

of interest, not exceeding six per centum per annum, as they shall deem expedient.

SECTION 6. This act shall take effect upon its passage.

Approved April 4, 1865.

Chap. 132

AN ACT TO INCORPORATE THE LYNN AQUEDUCT COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Edward H. Ashcroft, John P. Woodbury, William Howland, their associates and successors, are hereby made a corporation, under the name of the Lynn Aqueduct Company, for the purpose of furnishing the inhabitants of the city of Lynn with fresh water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, so far as the same are applicable to this corporation.

Capital stock.

SECTION 2. The capital stock of said company shall be four hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Shares.

May pay in shares for land and water rights.

SECTION 3. The said company may purchase land and water rights, necessary for the purpose aforesaid, and pay therefor, wholly or in part, in the shares of said company, at their par value.

May secure ponds and land.

SECTION 4. The said company may take and hold, by purchase or otherwise, the ponds in Lynn known as Cedar Pond and Sluice Pond, and so much land adjoining said ponds as may be necessary for erecting, laying and maintaining, and may erect, lay and maintain such aqueducts, pipes, dams, gates, pumps, reservoirs, embankments, water-ways, drains or other structures, as may be necessary or convenient to insure the purity of said ponds, and the streams running into them; also a sufficient quantity of land for a suitable reservoir in that part of Lynn known as Rock's Pasture, with a right to build and maintain a reservoir thereon, and to lay underground pipes thereto. The said company shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Essex, a description of the land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.

Description of land to be filed, and purpose stated.

May take water from ponds, and with leave lay pipes in Lynn.

SECTION 5. The said company may take the water from either or both of said ponds by gravitation, or raise and pump the water therefrom to a reservoir, in Rock's Pasture aforesaid, and may with the written consent of the mayor and aldermen of said city of Lynn, dig up and open any street or way in said city, for the purpose of placing such pipes as may be necessary in constructing its aqueduct, and

for repairing and extending the same: *provided*, the same shall be done in such manner as not to prevent the convenient passing of teams and carriages.

SECTION 6. If any person shall suffer damage by the taking of land, water, or otherwise, or by any diversion of the water aforesaid, and shall not agree with said company on the indemnification to be paid therefor, such person may, within one year, file a petition for indemnity in the supreme judicial court within the county of Essex, before or during any term thereof; and after fourteen days' notice, which shall be given to said company by leaving an attested copy with the clerk of said company, the court may proceed to the hearing of the petitioner, and may appoint three disinterested commissioners to determine the damages which the said petitioner may have sustained by reason of the taking of land, water, or otherwise, or by the diversion of said water; and the said commissioners shall forthwith give notice to both parties to appear, if they see fit, for a hearing before them; and they shall first inquire whether any damage has been sustained by said petitioner, by the cause aforesaid, and if any, they shall estimate the same; and the award of said commissioners, or of the major part of them shall be returned as soon as may be into the said court, and upon the acceptance thereof judgment shall be rendered for the party prevailing, with costs: *provided*, that if either party shall be dissatisfied with such award, such party may apply to the supreme judicial court, at any term thereof holden within the county of Essex next after the return of said award, for a trial by jury, and the same shall thereupon be tried at the bar of said court; and if the party so applying shall not obtain, in case it shall be the original petitioner or complainant, an increase of damages, or in case it shall be the original defendant, a decrease of damages, awarded by the said commissioners, such party shall pay reasonable costs of such trial, but otherwise may recover costs; and upon any judgment rendered upon any such verdict, the court may issue execution accordingly.

SECTION 7. The city of Lynn may, at any time during the continuance of the charter hereby granted, purchase the corporate property, and all the rights and privileges of said company, at such price as may be agreed upon between said parties; and in case the city council of said city shall by vote determine to purchase said property, rights and privileges, and the parties cannot agree upon the price to be paid therefor, the supreme judicial court may upon application by either party and notice to the other, appoint three com-

Proviso.

Disagreement with company may be referred to S. J. court in Essex.

Notice to be served upon company.

Court may appoint commission to determine damages.

Commissioners to notify.

Duties.

Award.

Judgment of court.

Proviso: party dissatisfied may have jury.

Costs of trial.

Execution of judgment.

City of Lynn may purchase franchise and property.

Disagreement, how adjusted.

missioners who shall determine the price which the said city shall be required to pay for the same, and whose award when accepted by said court shall be final.

City may insert hydrants in pipes of company, and use water.

Proviso.

SECTION 8. The city of Lynn shall be allowed the privilege of inserting twenty hydrants into the main pipes of said company, at such points as the mayor and aldermen shall indicate, with the right of using the water therefrom for the purpose of extinguishing fires: *provided*, that the same shall be so secured that water shall not be drawn therefrom, except for the purpose aforesaid.

Penalty for diverting or corrupting water or injuring works.

SECTION 9. Any person who shall maliciously divert the water or any part of the water of the sources which shall be taken by the said company, pursuant to the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct-pipe or hydrant, or other property, held, owned or used by the said company for the purposes of this act, shall pay three times the amount of actual damages to the said company, to be recovered in an action of tort; and every such person on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

SECTION 10. This act shall take effect upon its passage.

Approved April 4, 1865.

Chap. 133 AN ACT AUTHORIZING THE SOUTH WILBRAHAM MANUFACTURING COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

May increase \$100,000.

SECTION 1. The South Wilbraham Manufacturing Company, a corporation established at South Wilbraham, is hereby authorized to increase its capital stock one hundred thousand dollars, the same to be divided into shares of one hundred dollars each; and to hold real estate necessary and convenient for the purposes of its business not exceeding in amount the sum of one hundred thousand dollars.

Shares.

May hold estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1865.

Chap. 134 AN ACT TO DEFINE THE TERM OF OFFICE OF MEMBERS OF SCHOOL COMMITTEES IN CITIES.

Be it enacted, &c., as follows :

Terms to be same as city council, unless now otherwise.

The term of office of members of the school committee in cities where no different provision has been heretofore specifically made, shall commence at the same time, from year to year, as is now provided in regard to members of the sev-

eral city councils, anything in the twentieth section of the thirty-eighth chapter of the General Statutes to the contrary notwithstanding.

Approved April 4, 1865.

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF CHARLESTOWN WITH PURE WATER. *Chap. 135*

Be it enacted, §c., as follows :

SECTION 1. The city council of the city of Charlestown is hereby authorized to issue water bonds of the city of Charlestown to an amount not exceeding two hundred and fifty thousand dollars, in addition to the amount now authorized by the eleventh section of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and by chapter one hundred and seventy-six of the acts of the year eighteen hundred and sixty-four. The bonds hereby authorized may be issued and the proceeds thereof appropriated in accordance with and subject to the provisions and conditions of said eleventh section, except so far as the same are changed or modified by this act.

City council may issue additional water bonds.

Conditions.

SECTION 2. The water bonds of the city of Charlestown which may hereafter be issued by virtue of this act, or of any previous act or acts, may be redeemable at a period of time not less than one nor more than fifty years from and after the issue of such bonds, respectively. And the city council of said city may, for the purpose of meeting the payments of any of said water bonds, or of the interest which may accrue upon any of said bonds, make such further issue of water bonds as may be necessary therefor: *provided*, that the issue of bonds under this act shall not exceed two hundred and fifty thousand dollars.

May be redeemable in one to fifty years.

May issue for payment of bonds or interest.

Proviso: limitation.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1865.

AN ACT RELATING TO SERVICE OF SUMMONS IN SUITS AGAINST CERTAIN CORPORATIONS. *Chap. 136*

Be it enacted, §c., as follows :

SECTION 1. In suits against a county, the summons shall be served by leaving an attested copy thereof with the county treasurer, and with one of the county commissioners, or one of the officers who by law exercise the powers of county commissioners. In suits against a city, town, precinct, parish, religious society or school district, or against the proprietors of common and undivided lands, or general fields or wharves lying in common, the summons shall be served by leaving an attested copy thereof with the treasurer of the corporation or of the proprietors, and another like copy with the mayor, clerk, one of the aldermen, or one of the selectmen of the

Against county, to be with treasurer or commissioner.

Against town, district, society or estate proprietors, with representatives of parties in interest, respectively.

city or town, or one of the assessors or standing committee of the parish or religious society, or one of the proprietors of such land or other estate, as the case may be; and if there is no such treasurer found within the county, the copy shall be left with one of the other officers before mentioned, or with one of said proprietors; and if there are no such officers, the copy shall be left with one of the inhabitants of the county, city or town, or one of the members of the corporation.

Repeal.

SECTION 2. Section twenty-nine of chapter one hundred and twenty-three of the General Statutes is hereby repealed.

Approved April 8, 1865.

Chap. 137 AN ACT CONCERNING THE SPRINGFIELD AND LONGMEADOW RAILROAD CORPORATION.

Be it enacted, &c., as follows:

May extend location to line of State in Longmeadow or Wilbraham.

SECTION 1. Chapter two hundred and thirty-two of the acts of the year eighteen hundred and forty-nine, being the act incorporating the Springfield and Longmeadow Railroad Corporation, revived and extended by chapter eighty-one of the acts of the year eighteen hundred and sixty-four, is hereby amended in the second section thereof, so far as to permit the location and construction of said railroad upon a route terminating at the south line of the state, either in the town of Longmeadow or Wilbraham.

Capital stock.

SECTION 2. Said corporation may have a capital stock not less than one hundred and fifty thousand dollars, and not exceeding three hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

Shares.

Approved April 8, 1865.

Chap. 138 AN ACT TO INCORPORATE THE LINDEN HOUSE COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. William H. Spooner, Washington Libbey, Samuel B. Krogman, their associates and successors, are hereby made a corporation by the name of the Linden House Company, for the purpose of erecting a public house, to be located within the limits of the city of Boston, and maintaining such public house, with the buildings and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force, and applicable to such corporations: *provided, however,* that said corporation shall not carry on the business of keeping a hotel or boarding house, or be in any way interested in such business.

Title.

Location.

Purpose.

Powers.

Proviso.

Capital stock.

SECTION 2. The capital stock of said corporation shall not exceed one million dollars, and shall be divided into shares

of one hundred dollars each ; and said corporation may hold Shares.
 real and personal estate to the value of one million dollars Estate.
 for the purposes mentioned in the first section.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1865.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE MELROSE *Chap. 139*
 AND SOUTH READING HORSE RAILROAD.

Be it enacted, &c., as follows :

SECTION 1. The time allowed for the construction of the Melrose and South Reading Horse Railroad is hereby Extended to
 extended to the first day of April in the year eighteen hun- April 1, '67.
 dred and sixty-seven.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1865.

AN ACT TO INCORPORATE THE SANDWICH SAVINGS BANK. *Chap. 140*

Be it enacted, &c., as follows :

SECTION 1. Theodore Kern, Charles Dillingham, I. Kim- Corporators.
 ball Chipman, their associates and successors, are hereby Title.
 made a corporation by the name of the Sandwich Savings Bank, to be established and located in the town of Sand-
 wich ; with all the powers and privileges, and subject to all Powers.
 the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1865.

AN ACT TO INCORPORATE THE MARBLEHEAD AND LYNN RAILROAD *Chap. 141*
 COMPANY.

Be it enacted, &c., as follows :

SECTION 1. John F. Harris, Thomas Brown, Jonathan H. Corporators.
 Orne, their associates and successors, are hereby made a Title.
 corporation by the name of the Marblehead and Lynn Rail- Powers.
 road Company, with all the privileges, and subject to all the duties and liabilities set forth in all general laws that now are or may hereafter be in force relating to railroads and railroad corporations.

SECTION 2. The said company may locate, construct and Location.
 use a railroad commencing at a point in the town of Marblehead on Washington Street near the termination of Middle Street, or on Darling Street, thence running by the northerly side of Roundey's Hill, thence running in a curve to the west and entering the valley lying midway between the shore line of the sea and the highway leading from Marblehead to Lynn, thence following the line of said valley to a point in the land of Horace Ware, thence curving so as to cross said

highway from Marblehead to Lynn at a point near the boundary line between Salem and Marblehead, thence crossing the road that runs by land of John Phillips, at a point south of the house of said Phillips, thence following the general line of the valley and striking the track of the Eastern Railroad Company, at a point in Stetson's Farm, easterly of the Swampscott station on said Eastern Railroad.

May unite with Eastern road.

SECTION 3. The Marblehead and Lynn Railroad Company is hereby authorized to enter with its road upon and unite the same with and use the road of the Eastern Railroad Company, and the Eastern Railroad Company is hereby authorized to enter with its road upon, and unite the same with, and use the road of the Marblehead and Lynn Railroad Company, subject in either case to the general laws of this Commonwealth relating to railroad corporations.

Capital stock.

SECTION 4. The capital stock of the Marblehead and Lynn Railroad Company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and said company may hold such real and personal estate as may be necessary for the purposes for which it is incorporated.

Shares.

Estate.

May sell or lease franchise to Eastern R. R. Co.

SECTION 5. The Marblehead and Lynn Railroad Company is hereby authorized to sell or lease its railroad and franchise to the Eastern Railroad Company, upon such terms and conditions as shall be decided upon by a majority of the stockholders present and voting, at a legal meeting of said company called for that purpose.

Eastern Co. empowered to take.

The Eastern Railroad Company is hereby authorized and empowered, by a vote of a majority of the stockholders present and voting at a legal meeting of said company called for that purpose, to purchase or lease the railroad and franchise of the Marblehead and Lynn Railroad Company. If said railroad and franchise be so leased or purchased, the Eastern Railroad Company shall have all the rights and privileges, and be subject to all the restrictions, duties and liabilities, set forth in the charter of the Marblehead and Lynn Railroad Company, and in case of purchase, the Eastern Railroad Company may increase its capital stock by an amount equal to that granted by section four of this act.

Upon transfer, powers and duties to pertain.

In case of purchase Eastern Co. may increase its capital.

SECTION 6. This act shall take effect upon its passage.

Approved April 8, 1865.

Chap. 142

AN ACT CONCERNING THE DISTRIBUTION OF THE ANNUAL INCOME OF THE SCHOOL FUND.

Be it enacted, &c., as follows:

Town or city to be entitled must have complied

SECTION 1. No apportionment and distribution of the annual income of the school fund, as provided by the second

and third sections of chapter thirty-six of the General Statutes, shall be made to any town or city which has not complied with the requisitions of the first and second sections of chapter thirty-eight, and the fifth and sixth sections of chapter forty of the General Statutes, and of any amendments to either of said sections; or which has not raised by taxation for the support of schools, during the school year embraced in the last annual returns, including only wages and board of teachers, fuel for the schools, and care of fires and school-rooms, a sum not less than three dollars for each person between the ages of five and fifteen years, belonging to said town or city on the first day of May of said school year.

with statutes, and have raised \$3 per capita between 5 and 15 years.

SECTION 2. Instead of the certificate required by the fourth section of chapter forty of the General Statutes to be transmitted to the secretary of the board of education, the school committee shall make and transmit, in the manner and at the time in said section provided, a certificate in the following form, to wit:

Certificate of committee: substitute for form prescribed in ch. 40 § 4, G. S.

We, the school committee of _____, do certify that from the returns made by the assessors in the year _____, it appears that on the first day of May, in the year _____, there were belonging to said town the number of _____ persons between the ages of five and fifteen years; and we further certify that said town raised the sum of _____ dollars for the support of public schools for the preceding school year, including only the wages and board of teachers, fuel for the schools, and care of fires and school-rooms; and that said town maintained, during said year, each of the schools required to be kept by the first section of the thirty-eighth chapter of the General Statutes for a period not less than six months; and we further certify that said town maintained during said year _____ school for the benefit of all the inhabitants of the town, as required by section two, chapter thirty-eight of the General Statutes, for _____ months and _____ days.

} *School Committee.*

ss.

On this _____ day of _____, personally appeared the above-named school committee of _____, and made oath that the above certificate by them subscribed is true.

Attestation of justice.

Before me, _____, *Justice of the Peace.*

SECTION 3. In the returns made by the school committee to the secretary of the board of education, twenty days or forty half days of actual session shall be counted as one month.

Returns to secretary of board of education.

SECTION 4. The provisions of the first section of this act shall take effect on the apportionment and distribution of the income of the school fund, to be made in July, in the year eighteen hundred and sixty-seven. *Approved April 11, 1865.*

First section in force July '67.

Chap. 143 AN ACT IN ADDITION TO AN ACT PASSED IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR, ENTITLED AN ACT IN RELATION TO TRUSTS AND TRUSTEES.

Be it enacted, &c., as follows :

Act repealed : see
ch. 271 Acts '65.

Any corporation failing to comply with the provisions of the first section of chapter two hundred and thirty-nine of the acts of the year one thousand eight hundred and sixty-four, shall be subject to a penalty of not less than five hundred or more than five thousand dollars.

Approved April 11, 1865.

Chap. 144 AN ACT TO AUTHORIZE THE CITY OF CHELSEA TO PURCHASE A SUPPLY OF WATER FROM THE CITY OF CHARLESTOWN, AND TO ISSUE SCRIP IN PAYMENT THEREFOR.

Be it enacted, &c., as follows :

May purchase,
under Act of
'61, and main-
tain works.

SECTION 1. The city of Chelsea is hereby authorized to purchase a supply of water from the city of Charlestown, agreeably to the provisions of section fifteen of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and may erect and maintain such works and structures as may be requisite and necessary for the introduction of water from the said city of Charlestown to the said city of Chelsea, and the distribution thereof in said city of Chelsea; and for the purpose of defraying the costs and expenses of such introduction and distribution, the city council of Chelsea shall have authority to issue from time to time scrip, notes or certificates of debt, to be denominated Water Bonds of the City of Chelsea, to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding six per centum per annum, which shall be redeemable at a period of time not less than one nor more than fifty years from and after the issue of said scrip, notes or certificates respectively; and the said city council may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may, for the purpose of meeting payments of such interest as may accrue upon any certificate of debt, make such further issue of scrip, notes or certificates of debt as may be necessary therefor: *provided*, that the whole issue of scrip, notes or certificates of debt under this act shall not exceed two hundred thousand dollars.

City council may
issue water bonds
redeemable in one
to fifty years.

May sell at pub-
lic or private sale.

May make fur-
ther issue for pay-
ment of scrip or
interest.

Proviso.

Construction
over river to be
directed by com-
missioners on har-
bors and flats.

SECTION 2. The work of laying pipes and any other structures necessary to carry water from said city of Charlestown across Chelsea bridge to said city of Chelsea, shall be under the direction of the Commissioners on Harbors and Flats of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1865.

AN ACT IN FURTHER ADDITION TO AN ACT TO INCORPORATE THE UNITED STATES STEAM-SHIP COMPANY. *Chap. 145*

Be it enacted, &c., as follows :

SECTION 1. The time allowed to the United States Steam-ship Company for the performance of the acts required of said company by the fourth section of the one hundred and thirty-eighth chapter of the acts of the year eighteen hundred and sixty-three, is hereby extended to the sixth day of April, in the year eighteen hundred and sixty-six. Time to organize extended to April 6, '66.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1865.

AN ACT TO OBTAIN THE INDUSTRIAL STATISTICS OF THE COMMONWEALTH. *Chap. 146*

Be it enacted, &c., as follows :

SECTION 1. The aldermen of each city and the selectmen of each town in the Commonwealth, shall, between the first day of May and the first day of September, in the year eighteen hundred and sixty-five, and also between the first day of May and the first day of September, in every tenth year thereafter, make to the secretary of the Commonwealth the returns hereinafter specified ; such returns, so far as they relate to the amount, description and value of stock and fuel consumed, and of articles manufactured ; to the produce of land, quarries, kilns, coal-beds, ore-beds and fisheries ; to wool, wood, bark, charcoal, farm products, live stock, ice and imports ; to vessels and boats built and buildings erected, shall embrace the year ending on the first day of May in said years, respectively ; and in all other particulars shall state the facts as they shall exist in the respective cities and towns on said first day of May, to wit : 1. The number of cotton mills in the city or town. Assessors to collect and return to secretary of Commonwealth, between first day of May and September. The whole number of cotton spindles ; Cotton mills and manufactures. the quantity of cotton consumed ; gross value of all the stock used ; the number of yards of cotton cloth manufactured, with a description of the same ; the gross value of the cloth manufactured ; the number of pounds of yarn manufactured and not made into cloth ; gross value of the same ; the quantity of cotton thread manufactured ; value of the same ; the number of pounds of cotton batting manufactured ; value of the same ; the number of bales of pelisse wadding manufactured ; value of the same ; the number of yards of cotton flannel manufactured ; value of the same ; the number of cotton quilts and counterpanes manufactured ; value of the same ; quantity, description and value of all other goods manufactured in said mills ; the amount of capital invested ; the number of males employed ; the number of females.

Calico and de laine prints.	2. The number of establishments for printing calico and mousseline de laine. The number of yards of calico printed in said establishments; value of the same before printing; value after printing; the number of yards of mousseline de laine printed; value of the same before printing; value after printing; the number of yards of goods bleached and colored in said establishments and not printed; value of the same before bleaching and coloring; value after; the amount of capital invested in said establishments; the number of males employed; number of females.
Bleaching and dyeing cottons.	3. The number of establishments for bleaching or coloring cotton goods, and not connected with calico or mousseline de laine establishments. The number of yards of goods bleached or colored; value of the same before bleaching or coloring; value after; the amount of capital invested in said bleaching or coloring establishments; number of hands employed.
Spool cotton manufactured.	4. The number of establishments for the manufacture of spool cotton. Value of stock used; quantity manufactured; value of the same; amount of capital in the business; number of hands employed.
Woollen mills.	5. The number of woollen mills. The number of sets of woollen machinery; number of pounds of scoured wool consumed; gross value of all the stock used; the number of yards of broadcloth manufactured; value of the broadcloth manufactured; number of yards of cassimere manufactured; value of cassimere; number of yards of satinnet manufactured; value of satinnet; number of yards of Kentucky jeans; value of Kentucky jeans; number of yards of flannel or blanketing; value of flannel or blanketing; number of shawls manufactured; value of shawls; number of table and piano-forte covers manufactured; value of table and piano-forte covers; number of pounds of woollen yarn manufactured and not made into cloth; value of woollen yarn; description and value of all other woollen goods manufactured; the amount of capital invested in said mills; number of males employed in the same; number of females.
Woollen carpet mills.	6. The number of mills for the manufacture of woollen carpeting. Number of pounds of scoured wool consumed in the manufacture of carpeting; gross value of stock used; the number of yards and description of woollen carpeting manufactured; value of the same.
Painted carpet- ing.	Number of mills for the manufacture of painted carpeting. Value of stock used; number of yards of painted carpeting manufactured; value of the same.
Other carpeting.	Number of establishments for the manufacture of all other descriptions of carpeting. Value of stocks used; yards of carpeting manufactured; value of the same. Amount of capital invested in the manufacture of carpeting; number of

males employed; number of females. 7. The number of establishments for the manufacture of American worsteds. Domestic worsteds. Quantity and value of stock used; description and quantity manufactured; value of the same; capital invested in the business; number of males employed; number of females. 8. The number of establishments for the manufacture of worsted goods, or goods of which worsted is a component part. Value of stock used; yards of mousseline de laine manufactured; value of the same; yards of other fabrics manufactured; value of the same; pounds of worsted yarn manufactured and not made into cloth; value of the same; value of all other goods manufactured; amount of capital invested in said establishments; number of males employed; number of females. 9. The number of establishments for the manufacture of shoddy. Value of stock used; number of pounds of shoddy manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 10. The number of establishments for the manufacture of hosiery. Value of stock used; quantity and description of hosiery manufactured; value of hosiery manufactured; number of pounds of yarn manufactured and not made into hosiery; value of the same; amount of capital invested in said business; number of males employed in the same; number of females. 11. The number of manufactories of cloth gloves for ladies and gentlemen. Value of stock used; description and quantity manufactured; value of the same; capital invested in the business; number of males employed; number of females. 12. The number of establishments for the manufacture of balmoral skirts. Value of stock used; number of balmoral skirts manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 13. The number of manufactories of ladies' silk scarfs. Quantity and value of stock used; number of scarfs manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 14. The number of manufactories of linen collars and cuffs for ladies. Value of stock used; quantity and description of all articles manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 15. The number of manufactories of head-nets and head-dresses. Quantity and value of stock used; number and description of nets and head-dresses manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 16. The number of manufac-

Worsted goods.

Shoddy.

Hosiery.

Yarn.

Cloth gloves.

Balmoral skirts.

Silk scarfs.

Collars and cuffs.

Head-dresses and nets.

Artificial flowers.

tories of feathers and artificial flowers. Value of stock used; quantity and description of articles manufactured; value of the same; capital invested in the business; number of males employed; number of females. 17. The number of manufactories of bugle trimmings for ladies' garments. The value of stock used; quantity of trimmings manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 18. The number of manufactories of jet pins for ornaments to ladies' dresses and bonnets, and of ladies' belt buckles and belt clasps. Description and value of stock used; quantity and description of articles manufactured; value of the same; capital invested in the business; number of males employed; number of females. 19. The number of manufactories of worsted dress braids, of worsted embroidery braids, and of elastic cords and webs. Description and value of stock used; quantity and description of all articles manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 20. The number of establishments for the manufacture of linen. Value of stock used; number of yards of linen manufactured; value of the same; quantity of linen thread manufactured; value of linen thread; amount of capital invested in said business; number of males employed; number of females. 21. The number of silk manufactories. Value of stock used; number of yards of silk manufactured; value of the same; number of pounds of sewing silk manufactured; value of sewing silk; amount of capital invested in said business; number of males employed in the same; number of females. 22. The number of manufactories of bonnet ribbons. Value of stock used; quantity and value of bonnet ribbons manufactured; amount of capital invested; number of males employed; number of females. 23. The number of manufactories of belt ribbons for ladies' wear. Value of stock used; quantity and description of goods manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 24. The number of manufactories of machine twist of all kinds. Description and value of stock used; quantity and description of twist manufactured; value of the same; capital invested in the business; number of males employed; number of females. 25. The number of establishments for the manufacture of dress trimmings, including gimps, cords, buttons, fringes and tassels. Value of stock used; description and value of articles manufactured; amount of capital invested in the business; number of males employed; number of females.

Trimmings,
ladies' garments.

Jet pins and belt
buckles.

Worsted braids,
cords and webs.

Linen.

Silk.

Bonnet ribbons.

Belt ribbons.

Machine twist.

Dress trimmings.

26. The number of rolling, slitting and nail mills. Value of stock used; tons of iron manufactured and not made into nails; value of iron thus manufactured. Number of machines for the manufacture of nails; tons of nails manufactured; value of the same; amount of capital invested in rolling, slitting and nail mills; number of hands employed. Nails and iron.
27. The number of wire manufactories. Value of stock used; quantity of wire manufactured; value of the same; capital invested in the business; number of hands employed. Wire.
28. The number of forges. Value of stock used; number of tons of bar iron, anchors, chain cables, and other articles of wrought iron manufactured; value of said bar iron, chain cables, anchors and other articles; amount of capital invested in said business; number of hands employed. Chain cables, anchors and bar iron.
29. The number of furnaces for the manufacture of pig iron. Value of stock used; number of tons of pig iron manufactured; value of the pig iron manufactured; amount of capital invested in said business; number of hands employed. Pig iron.
30. The number of furnaces for the manufacture of hollow ware and castings, other than pig iron. Value of stock used; number of tons of hollow ware and other castings manufactured; value of the same; amount of capital invested in said business; number of hands employed. Hollow ware.
31. The number of establishments for the manufacture of cotton gins. Gross value of stock used; number of cotton gins manufactured; value of the same; amount of capital invested in the business; number of hands employed. Cotton gins.
32. The number of establishments for the manufacture of cotton, woollen and other machinery. Gross value of stock used; value of machinery manufactured; amount of capital invested in said business; number of hands employed. Cotton and other machinery.
33. The number of establishments for the manufacture of machine and hand cards of all kinds. Value of stock used; number of hand cards manufactured; value of the same; number of feet of machine cards manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. Machine and hand cards.
34. The number of establishments for the manufacture of locomotives, steam-engines and boilers. Value of stock used; number of locomotives, steam-engines and boilers built; value of the same; amount of capital invested in said business; number of hands employed. Locomotives and engines.
35. The number of establishments for the manufacture of fire-engines. Value of stock used; number of fire-engines manufactured; value of the fire-engines manufactured; amount of capital invested in the business; number of hands employed. Fire-engines.
36. The number of scythe Scythes.

	manufactories. Value of stock used; number of dozens of scythes manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Augers, &c.	37. The number of manufactories of augers, bits and gimlets. Value of stock used; number of the several kinds manufactured; value of the same; number of hands employed.
Axes, &c.	38. The number of establishments for the manufacture of axes, hatchets and other edge tools. Value of stock used; number of dozens of axes, hatchets and other edge tools manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Files.	39. The number of establishments for the manufacture of files. Value of stock used; number of dozens of files manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Mechanics' tools.	40. Gross value of mechanics' tools manufactured and not elsewhere enumerated; value of stock used in the manufacture of the same; amount of capital invested in the business; number of hands employed.
Cutlery.	41. The number of establishments for the manufacture of cutlery. Value of stock used; description and quantity of cutlery manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Nuts and screws.	42. The number of establishments for the manufacture of nuts and screws. Value of stock used; number of gross of nuts and screws manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Butts or hinges.	43. The number of establishments for the manufacture of butts or hinges. Value of stock used; number of dozens of iron butts or hinges manufactured; value of the same; number of dozens of brass or composition butts or hinges; value of the same; amount of capital invested in the business; number of hands employed.
Door latches.	44. The number of establishments for the manufacture of door latches and handles. Value of stock used; number of dozens of door latches and handles manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Locks.	45. The number of lock manufactories. Value of stock used; number of locks manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Tacks and brads.	46. The number of tack and brad manufactories. Value of stock used; number of tons of tacks and brads manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Shovels, spades, &c.	47. The number of establishments for the manufacture of shovels, spades, forks and hoes. Value of stock used; number of dozens of shovels, spades, forks and hoes manufac-

tured; value of the same; amount of capital invested in the business; number of hands employed. 48. The number of establishments for the manufacture of ploughs and other agricultural implements. Value of stock used; number of ploughs manufactured; value of the same; description and quantity of other agricultural implements manufactured; value of the same; amount of capital invested in the business; number of hands employed. 49. Manufacture of metallic gas pipes, water pipes and steam pipes. Value of stock used; number of feet of pipe of the various kinds manufactured; value of the same; amount of capital invested in the business; number of hands employed. 50. The number of shops for the manufacture of iron railing, iron fences and iron safes. Value of stock used; value of iron railing, iron fences and iron safes manufactured; amount of capital invested in the business; number of hands employed. 51. The number of manufactories of metal sheathing of all kinds for vessels. Value of stock used; quantity and description of sheathing manufactured; value of the same; capital invested in the business; number of hands employed. 52. The number of copper manufactories. Value of stock used; tons of copper manufactured; value of the same; description and quantity of copper ware manufactured; value of the same; amount of capital invested in the business; number of hands employed. 53. The number of bell foundries. Value of stock used; number and aggregate weight of bells manufactured; value of the same; amount of capital invested in the business; number of hands employed. 54. The number of brass foundries. Value of stock used; description and quantity of articles manufactured; value of the same; amount of capital invested in the business; number of hands employed. 55. The number of manufactories of gas, oil and kerosene fixtures and lamps. Value of stock used; quantity manufactured; value of the same; amount of capital invested; number of hands employed. 56. The number of establishments for the manufacture of britannia ware. Value of stock used; description and quantity of britannia ware manufactured; value of the same; amount of capital invested in the business; number of hands employed. 57. The number of button manufactories. Value of stock used; number of gross of metal buttons manufactured; value of the same; number of gross of covered buttons manufactured; value of the same; number of gross of wood buttons and button moulds manufactured; value of the same; amount of capital invested in the business; number of males employed;

Ploughs, &c.

Gas, water and steam pipes.

Iron fences and safes.

Metal sheathing.

Copper.

Bells.

Brass.

Gas fixtures and lamps.

Britannia ware.

Buttons.

Corsets.	number of females. 58. The number of manufactories of corsets of all kinds. Value of stock used; number of corsets manufactured; value of the same; capital invested in the business; number of males employed; number of females.
Hoop skirts.	59. The number of establishments for the manufacture of hoop skirts. Value of stock used; number of hoop skirts manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females.
Glass.	60. The number of glass manufactories. Value of stock used; quantity of window glass manufactured; value of the same; description and quantity of other glass manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Starch.	61. The number of starch manufactories. Value of stock used; pounds of starch manufactured from wheat or flour; value of the same; pounds of starch manufactured from potatoes; value of the same; amount of capital invested in the business; number of hands employed.
Chemicals.	62. The number of establishments for the manufacture of chemical preparations. Value of stock used; value of chemical preparations manufactured; amount of capital invested in the business; number of hands employed.
Paper.	63. The number of paper manufactories. Tons of stock consumed; value of the same; tons of printing paper manufactured; value of the same; tons of wrapping paper manufactured; value of the same; reams of writing paper manufactured; value of the same; all other kinds of paper manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females.
Paper collars.	64. The number of manufactories of paper collars for ladies and gentlemen. Value of stock used; number and description of collars manufactured; value of the same; capital invested in the business; number of males employed; number of females.
Card and bonnet paper.	65. The number of establishments for the manufacture of card paper, cards and bonnet paper. Value of stock used; description and quantity of articles manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females.
Musical instruments.	66. The number of manufactories of organs, melodeons and harmoniums. Value of stock used; number of instruments of the several kinds manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Piâno-fortes.	67. The number of piano-forte manufactories. Value of stock used; number of piano-fortes manufactured; value of the same; amount of capital invested. Number of establishments for the manufacture of detached parts of piano-fortes. Value

of detached parts of piano-fortes manufactured; value of stock used; amount of capital invested in the business. The number of all other musical instrument manufactories. Other musical instruments. Value of stock used; description and number of musical instruments manufactured; value of the same; amount of capital invested in the business; number of hands employed in the manufacture of musical instruments. 68. Number of Printing. printing and newspaper establishments. Value of stock used; number and name of newspapers and periodicals printed; how often issued; gross value of said newspapers and periodicals; amount of capital invested in the business. Number of books printed; value of the printing done on the same; value of all other printing done; amount of capital invested in printing; number of males employed; number of females. 69. The number of bookbinderies. Value of Book-binding. stock used; value of bookbinding done; amount of capital invested in the business; number of males employed; number of females. 70. The number of book-publishing establishments. Books. The number of books published; value of the same, exclusive of the cost of printing and binding; amount of capital invested; number of males employed; number of females. 71. The number of type and stereotype foundries. Types. Value of stock used; value of types, electrotype and stereotype plates manufactured; amount of capital invested in the business; number of males employed; number of females. 72. The number of clock manufactories. Clocks. Value of stock used; number of clocks manufactured; value of the same; amount of capital invested; number of males employed; number of females. 73. The number of sewing-machine Sewing-machines manufactories. Value of stock used; number of sewing-machines manufactured; value of the same; amount of capital invested in the business; number of hands employed. 74. The number of daguerrean and photographic establishments. Daguerreotypes. Value of stock used; number of daguerreotypes and photographs taken; value of the same; amount of capital invested in the business; number of males employed; number of females. 75. The number of pin manufactories. Pins. Value of stock used; quantity of pins manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 76. The Hooks and eyes. number of manufactories of hooks and eyes. Value of stock used; quantity of hooks and eyes manufactured; value of the same; capital invested; number of males employed; number of females. 77. The number of manufactories of Looking-glasses and frames. looking-glasses and picture frames. Value of stock used; number of the articles manufactured; value of the same;

Watches.	amount of capital invested in the business; number of hands employed. 78. The number of establishments for the manufacture of chronometers, watches, gold and silver ware and jewelry. Value of stock used; description and quantity of the articles manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 79. The number of manufactories of mattresses of all kinds and materials. Value of stock used; number of mattresses of each kind made; value of the same; amount of capital invested in the business; number of males employed; number of females. 80. The number of brush manufactories. Value of stock used; number of brushes manufactured; value of the same; amount of capital invested in the business; number of hands employed. 81. The number of establishments for the manufacture of saddles, harnesses and trunks. Number of each manufactured; value of the same; value of stock used; amount of capital invested in the business; number of hands employed. 82. The number of establishments for the manufacture of military goods and equipments; value of stock used; description and quantity of the articles manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 83. The number of upholstery manufactories. Value of stock used; value of upholstery manufactured; amount of capital invested in the business; number of males employed; number of females. 84. The number of hat and cap manufactories. Value of stock used; number of hats and caps manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 85. The number of establishments for the manufacture of fur goods, including leather gloves and mittens. Value of stock used; description and quantity of the articles manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 86. The number of cordage manufactories. Value of stock used; description and quantity of cordage manufactured; value of the same; amount of capital invested in the business; number of hands employed. 87. The number of ship yards. Value of materials used; number of vessels launched; amount of tonnage of said vessels; value of the same, exclusive of spars, rigging and sails; amount of capital invested in the business; number of hands employed. 88. The number of establishments for the manufacture of boats. Value of materials used; number of boats built; value of the same; amount of capital invested in the business.
Mattresses.	
Brushes.	
Saddles, harness and trunks.	
Military goods.	
Upholstery.	
Hats and caps.	
Fur goods and leather gloves.	
Cordage.	
Vessels.	
Boats.	

ness; number of hands employed. 89. The number of mast and spar yards or sheds. Value of materials used; number of masts and spars manufactured; value of the same; amount of capital invested in the business; number of hands employed. 90. The number of sail lofts. Number of sails made of American fabric during the year; value of the fabric; value of the sails; number of sails made of foreign fabric; value of the fabric; value of the sails; amount of capital invested in the business; number of hands employed. 91. The number of establishments for the manufacture of salt. Number of bushels of salt manufactured; value of the same; amount of capital invested in the business; number of hands employed. 92. The number of establishments for the manufacture of railroad cars, coaches, chaises, wagons, sleighs and other vehicles. Number of each manufactured; value of the same; value of stock used; amount of capital invested in the business; number of hands employed. 93. The number of manufactories of carriage wheels. Value of stock used; number of wheels manufactured; value of the same; amount of capital invested in the business; number of hands employed. 94. The number of sugar refineries. Value of stock used; pounds of sugar refined; value of the same; amount of capital invested in the business; number of hands employed. 95. The number of establishments for the manufacture of confectionery. Value of the stock used; pounds of confectionery made; value of the same; amount of capital invested in the business; number of males employed; number of females. 96. The number of establishments for the manufacture of umbrellas and parasols. Number of each manufactured; value of the same; value of stock used; amount of capital invested in the business; number of males employed; number of females. 97. The number of establishments for the manufacture of port monnaies, pocket books and wallets. Number of dozens of each manufactured; value of the same; value of stock used; amount of capital invested in the business; number of males employed; number of females. 98. The number of manufactories of photograph albums. Value of stock used; number of albums made; value of the same; amount of capital invested in the business; number of males employed; number of females. 99. The number of manufactories of ink, envelopes and other articles of stationery. Value of stock used; quantity and value of the several articles manufactured; amount of capital employed; number of males employed; number of females. 100. The number of establishments for the manufacture of clothing. Value of stock

Masts and spars.

Sails.

Salt.

Railroad cars and coaches.

Carriage wheels.

Sugar refineries.

Confectionery.

Umbrellas and parasols.

Port monnaies and wallets.

Photograph albums.

Ink and stationery.

Clothing.

Chocolate.	used; value of clothing manufactured; amount of capital invested in the business; number of males employed; number of females. 101. The number of chocolate mills. Pounds of chocolate manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Coffee.	102. The number of coffee mills. Value of stock used; pounds of coffee manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Marble.	103. The number of establishments for the manufacture of articles from marble and other kinds of stone. Value of stock used; description and quantity of articles manufactured; value of the same; capital invested in the business; number of hands employed.
Lead.	104. The number of establishments for the manufacture of sheet lead and lead pipe. Value of stock used; pounds of sheet lead manufactured; value of the same; pounds of lead pipe manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Candles.	105. The number of establishments for the manufacture of sperm and tallow candles. Value of stock used; pounds of sperm candles made; value of the same; pounds of tallow candles made; value of the same; amount of capital invested in the business; number of hands employed.
Soap.	106. The number of establishments for the manufacture of soap. Value of stock used; barrels of soft soap manufactured; value of the same; pounds of hard soap manufactured; value of the same; value of all other soaps manufactured; amount of capital invested in the business; number of hands employed.
Oils.	107. The number of establishments for the manufacture of sperm, whale, lard or linseed oil. Gross value of stock consumed; gallons of sperm oil manufactured; value of the same; gallons of whale oil manufactured; value of the same; gallons of lard oil manufactured; value of the same; gallons of linseed oil manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Kerosene, naptha and paraffine.	108. The number of establishments for the manufacture of kerosene or refined petroleum. Quantity of crude petroleum used; value of the same; quantity of coal used; value of the same; number of barrels or other casks used; value of the same; number of gallons of kerosene or refined petroleum manufactured; value of the same; number of gallons of lubricating oil; value of the same; number of gallons of naptha; value of the same; number of pounds of paraffine; value of the same; description, quantity and value of other products; amount of capital invested in the business; number of hands employed.
Buildings.	109. The number of master builders.

Number of buildings erected ; value of the same ; value of the materials used ; number of hands employed. 110. The number of blacksmith shops. Value of stock used ; value of work done and not included in the returns of other establishments ; amount of capital invested in the business ; number of hands employed. 111. The number of powder mills. Value of stock used ; pounds of powder manufactured ; value of the same ; amount of capital invested in the business ; number of hands employed. 112. The number of establishments for the manufacture of arms. Value of stock used ; description and number of cannon manufactured ; value of the same ; description and number or quantity of shot and shells manufactured ; value of the same ; description and number of small arms manufactured ; value of the same ; number of swords manufactured ; value of the same ; description, number and value of all other arms manufactured ; amount of capital invested in the business ; number of males employed ; number of females. 113. The number of manufactories of chairs and settees. Value of stock used ; number of chairs and settees made ; value of the same ; amount of capital invested in the business ; number of males employed ; number of females. 114. The number of cabinet manufactories. Value of stock used ; value of chairs and cabinet ware manufactured ; amount of capital invested in said business ; number of hands employed. 115. The number of establishments for the preparation of rattan used in the manufacture of chairs and other articles of furniture. Value of stock used ; quantity of rattan prepared ; value of the same ; amount of capital invested in the business ; number of males employed ; number of females. 116. The number of tin ware manufactories. Value of stock used ; value of tin ware manufactured ; amount of capital invested in the business ; number of hands employed. 117. The number of comb manufactories. Value of stock used ; number of dozens of combs manufactured ; value of the same ; amount of capital invested in the business ; number of males employed ; number of females. 118. The number of establishments for the manufacture of white lead and other paints. Value of stock used ; pounds of white lead manufactured ; value of the same ; description and quantity of all other paints manufactured ; value of the same ; amount of capital invested in the business ; number of hands employed. 119. The number of establishments for the manufacture of camphene or burning fluid. Value of stock used ; number of gallons of camphene or burning fluid manufactured ; value of the same ; amount of capital invested in the

Iron work.

Powder.

Arms, shot and shells.

Chairs.

Cabinet ware.

Rattan.

Tin ware.

Combs.

White lead.

Camphene.

Drugs, medicines and dyestuffs.	business; number of hands employed. 120. Number of establishments for the manufacture of drugs, medicines and dyestuffs. Value of stock used; value of drugs, medicines and dyestuffs manufactured; amount of capital invested in the business; number of males employed; number of females.
Varnish.	121. The number of establishments for the manufacture of varnish. Value of stock used; number of gallons of varnish manufactured; amount of capital invested in the business; number of hands employed. 122. The number of glue man-
Glue.	ufactories, and manufactories for the preparation of gums. Value of stock used; value of glue and gums manufactured; amount of capital invested in the business; number of hands employed. 123. The number of flouring mills. Number
Flour.	of bushels of grain ground; value of the same; number of barrels of flour manufactured; value of the same; amount of capital invested in the business; number of hands employed. 124. The number of tanning and currying estab-
Leather.	lishments. Value of stock used; number of hides tanned; number of hides tanned and curried; value of leather tanned and curried; amount of capital invested in the business; number of hands employed. 125. The number of manufac-
Belting.	tories of belting of all kinds and all materials for machinery. Value of stock used; quantity manufactured; value of the same; capital invested in the business; number of hands employed. 126. The number of establishments for the
Patent leather.	manufacture of patent and enamelled leather. Value of stock used; value of patent and enamelled leather manufactured; amount of capital invested in the business; number of hands employed. 127. The number of pairs of boots of
Boots and shoes.	all kinds manufactured; number of pairs of shoes of all kinds manufactured; gross value of stock used in the manufacture of boots and shoes; value of boots and shoes manufactured; amount of capital invested in the business; number of males employed; number of females. 128. The number of estab-
Engine hose.	lishments for the manufacture of engine and other hose of all descriptions. Value of stock used; description and number of feet of engine hose manufactured; value of the same; amount of capital invested in the business; number of hands employed. 129. The number of establishments for the
Straw bonnets, hats and braid.	manufacture of straw bonnets and hats. Value of stock used; number of straw bonnets manufactured; value of the same; number of straw hats manufactured; value of the same; value of straw braid manufactured and not made into bonnets or hats; number of palm leaf hats made; value of the same; amount of capital employed in the manufacture of straw bonnets and hats; number of males; number of

Gold leaf.	141. The number of manufactories of gold leaf. Value of stock used; quantity manufactured; value of the same; capital invested; number of males employed; number of females.
Lasts and shoe pegs.	142. The number of last and shoe-peg manufactories. Value of stock used; number of lasts manufactured; value of the same; bushels of shoe-pegs manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Wire safes, sieves and covers.	143. The number of manufactories of wire safes, sieves, dish-covers and other articles made wholly or in part of wire. Value of stock used; number or quantity of the different articles manufactured; value of the same; capital invested in the business; number of males employed; number of females.
Casks.	144. The number of establishments for the manufacture of casks. Value of stock used; number of casks manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Stone and earthen ware.	145. The number of establishments for the manufacture of stone and earthen ware. Value of stock used; value of stone and earthen ware manufactured; amount of capital invested in the business; number of hands employed.
Coffins.	146. The number of manufactories of coffins and burial cases of all kinds. Value of stock used; number of coffins made; value of the same; capital invested in the business; number of hands employed.
Sashes, doors and blinds.	147. The number of planing mills and establishments for the manufacture of sashes, doors and blinds. Value of stock used; value of sashes, doors and blinds manufactured; value of all other work done; amount of capital invested in the business; number of hands employed.
Boxes.	148. The number of establishments for the manufacture of boxes. Value of stock used; value of wooden boxes made; value of paper boxes made; amount of capital invested in the business; number of males employed; number of females.
Razor strops.	149. The number of manufactories of razor strops. Value of stock used; number manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Fire-works.	150. The number of establishments for the manufacture of fire-works. Value of stock used; value of fire-works manufactured; amount of capital invested in the business; number of males employed; number of females.
Matches.	151. The number of establishments for the manufacture of friction matches. Value of stock used; gross of matches manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females.
India rubber.	152. The number of establishments for the manufacture of India rubber goods. Value of stock used; description and

quantity of goods manufactured; value of the same; amount of capital invested in the business; number of males employed; number of females. 153. The number of establishments for the manufacture of gas. Value of stock used; value of gas manufactured; amount of capital invested in the business; number of hands employed. 154. The number of establishments for the preservation of ice for market. Number of tons of ice preserved for market; value of the same; amount of capital invested in the business; number of hands employed. 155. The number of establishments for the manufacture of pickles and preserves. Value of stock used; value of pickles and preserves manufactured; amount of capital invested in the business; number of hands employed. 156. The number of bakeries. Value of stock used; value of bread manufactured; amount of capital invested in the business; number of hands employed. 157. The number of distilleries. Value of stock used; number of barrels of alcohol distilled; value of the same; number of barrels of all other liquors distilled; value of the same; amount of capital invested in the business; number of hands employed. 158. The number of breweries. Value of stock used; number of barrels of beer manufactured; value of the same; amount of capital invested in the business; number of hands employed. 159. Number of establishments for the manufacture of articles not elsewhere enumerated. Description and quantity of articles manufactured; value of the same; value of stock used; amount of capital invested; number of males employed; number of females. 160. The number of vessels employed in the whale fishery. Amount of tonnage of such vessels; number of gallons of sperm oil imported; value of sperm oil imported; number of gallons of whale oil imported; value of the same; number of pounds of spermaceti imported; value of the same; number of pounds of whalebone imported; value of the same; amount of capital invested in the whale fishery; number of hands employed. 161. The number of vessels employed in the mackerel and cod fisheries. Tonnage of vessels so employed; number of barrels of mackerel taken; value of the same; number of quintals of codfish taken; value of the same; value of cod liver oil sold; value of salt consumed in the mackerel and cod fisheries; amount of capital invested in the business; number of hands employed. 162. Number of bushels of shell fish taken. Value of the same; amount of capital invested in the business; number of hands employed. 163. The number of alewives, shad and salmon taken. Value of the same; number of hands employed. 164. The

Gas.

Ice.

Pickles and preserves.

Bakeries.

Distilleries.

Breweries.

Articles not enumerated.

Whale fishery.

Mackerel and cod fisheries.

Shell fish.

Alewives.

Coasting vessels.

	number of vessels engaged in the coastwise or carrying trade. Amount of tonnage of said vessels; value of the same; amount received for freight; number of hands employed.
Building stone.	165. The number of stone and marble quarries. The value of building stone quarried and prepared for market; value of marble quarried and prepared for market; amount of capital invested in the business; number of hands employed.
Lime.	166. The number of lime kilns. Number of casks of lime manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Lumber.	167. The number of saw-mills. Number of feet of lumber prepared for market; value of the same; number of laths, clapboards, shingles and staves prepared for market; value of the same; description and value of all other lumber; amount of capital invested in the business; number of hands employed.
Wood and bark.	168. The number of cords of firewood and bark prepared for market; value of the same; amount of capital invested in the business; number of hands employed.
Charcoal.	169. The number of bushels of charcoal manufactured; value of the same; amount of capital invested in the business; number of hands employed.
Coal, iron and other ore.	170. The number of coal and ore beds. Value of mineral coal and iron or other ore and mineral substances mined; amount of capital invested in the business; number of hands employed.
Brooms.	171. The number of corn and other brooms manufactured; value of the same; value of the stock consumed; amount of capital invested in the business; number of hands employed.
Farms.	172. The number of farms. Number of acres of land; value of same, including buildings; number of acres of land improved; number of persons employed.
Land.	173. The number of acres of unimproved land. 174. The number of acres of unimprovable land. 175. The number of acres of woodland; value of the same.
Indian corn.	176. The number of acres of Indian corn; number of bushels of Indian corn raised; value of the same.
Broom corn.	177. The number of acres of broom corn. Number of pounds of broom brush; value of the same; number of bushels of broom seed; value of the same.
Wheat.	178. The number of acres of wheat; number of bushels of wheat; value of the same.
Rye.	179. The number of acres of rye; number of bushels of rye; value of the same.
Barley.	180. The number of acres of barley; number of bushels of barley; value of the same.
Buckwheat.	181. The number of acres of buckwheat; number of bushels of buckwheat; value of the same.
Oats.	182. The number of acres of oats; number of bushels of oats; value of the same.
Millet.	183. The number of acres of millet; number of bushels of millet; value of the same.
Other grain.	184. The number of acres of all other grain crops; number

of bushels of all other grains ; value of the same. 185. The number of acres of herdsgrass seed ; number of bushels ; value of the same. 186. The number of acres of clover seed ; number of bushels ; value of the same. 187. The number of acres of potatoes ; number of bushels of potatoes ; value of the same. 188. The number of acres of turnips cultivated as a field crop ; number of bushels of turnips ; value of the same. 189. The number of acres of onions ; number of bushels of onions ; value of the same. 190. The number of acres of carrots ; number of bushels of carrots ; value of the same. 191. The number of acres of cabbage ; value of the same. 192. The number of acres of winter squash ; value of the same. 193. The number of acres of garden seeds ; value of the same. 194. The number of acres devoted to market gardening ; value of products. 195. The number of acres of beets and other esculent vegetables ; number of bushels of beets and all other esculent vegetables ; value of the same ; value of garden seeds prepared for market. 196. The number of acres of flax ; number of pounds of flax ; value of the same ; number of bushels of flax seed ; value of flax seed. 197. The number of acres of hemp ; number of pounds of hemp ; value of the same. 198. The number of acres of hops ; number of pounds of hops ; value of the same. 199. The number of acres of tobacco ; number of pounds of tobacco ; value of the same. 200. The number of acres of sorghum ; gallons of syrup ; value of the same. 201. The number of acres of basket willow cultivated ; value of the same. 202. The number of acres of cranberries ; number of bushels of cranberries ; value of the same. 203. The quantity of raw silk raised ; value of the same. 204. The number of acres of English mowing ; number of tons of English hay ; value of the same ; quantity and value of grass or clover seed. 205. The number of acres of wet meadow or swale mown ; number of tons of wet meadow or swale hay ; value of the same. 206. The number of acres of salt marsh mown ; number of tons of salt hay ; value of the same. 207. The number of apple trees cultivated for their fruit ; value of the apples ; number of pear trees cultivated for their fruit ; value of the pears ; number of all other trees cultivated for their fruit ; value of the fruit ; value of nuts or berries cultivated or gathered for market. 208. The number of Saxony sheep, of different grades ; number of Merino sheep, of different grades ; number of all other kinds of sheep ; gross value of all sheep. The number of pounds of wool produced from Saxony sheep ; value of the same ; number of pounds of Merino wool ; value of the same ; num-

Herdsgrass.

Clover seed.

Potatoes.

Turnips.

Onions.

Carrots.

Cabbages.

Winter squash.

Garden seeds.

Gardening.

Beets.

Flax.

Hemp.

Hops.

Tobacco.

Sorghum.

Basket willow.

Cranberries.

Raw silk.

English hay.

Wet meadow hay

Salt marsh.

Apples and pears.

Sheep.

Wool.

Horses, asses, mules, oxen, cows, heifers.	ber of pounds of all other wool produced ; value of the same.
Beef.	209. The number of horses ; value of horses ; number of asses and mules ; value of asses and mules ; number of oxen over four years old ; number of steers under four years old ; value of oxen and steers ; number of milch cows ; number of heifers ; value of cows and heifers ; description, number and value of neat stock not embraced above ; number of gallons of milk sold ; value of milk sold ; number of pounds of butter sold ; value of butter ; number of pounds of cheese ; value of cheese. 210. The number of pounds of dressed beef ; value of the same. 211. The number of pounds of dressed pork ; value of the same. 212. The number of pounds of dressed mutton ; value of the same. 213. The number of pounds of dressed veal ; value of the same.
Pork.	214. The number of cheese factories. Number of pounds of cheese manufactured ; value of the same ; number of males employed ; number of females. 215. The number of establishments for condensing milk. Number of gallons of milk condensed ; value of the same. 216. The number of swine ; value of the same ; value of poultry sold ; value of eggs sold ; number of pounds of honey ; value of the same ; number of pounds of beeswax ; value of the same ; value of unenumerated articles of farm produce. 217. Description and quantity of cloth manufactured in the family ; value of the same ; value of all other articles manufactured in the family for sale and not before enumerated.
Mutton.	
Veal.	
Cheese.	
Condensed milk.	
Swine, poultry, beeswax.	
Cloth, by families.	
Other articles.	
Secretary to issue blank tables.	SECTION 2. The secretary of the Commonwealth shall cause to be printed blank tables, conveniently arranged for the return of the facts aforesaid, with blank columns for the return of such facts as are not enumerated in this act, and shall furnish three copies of the same, together with one copy of this act, to the aldermen of each city and the selectmen of each town ; the whole to be accompanied with such printed instructions as he shall deem proper.
Cause abstract to be printed for use of legislature.	SECTION 3. The secretary of the Commonwealth, after he shall have received the returns aforesaid, from the aldermen of the several cities and the selectmen of the several towns, shall cause to be prepared and printed a true abstract of the same, with each column of figures of such abstract added up, for the use of the next ensuing legislature.
Aldermen and selectmen, duty and powers of.	SECTION 4. The aldermen of any city and the selectmen of any town may authorize either of their number, or some other suitable person or persons, to collect the information required by this act.
Penalty for neglect.	SECTION 5. If any alderman, selectman, or other person, authorized under the provisions of section four of this act,

shall wilfully neglect to make the returns as required in the first section, he shall forfeit and pay a sum not exceeding two hundred dollars; and if any person shall refuse to give the information required in said first section, he shall forfeit and pay a sum not exceeding one hundred dollars.

SECTION 6. All fines and forfeitures arising under this act, may be recovered in any court of this Commonwealth having competent jurisdiction, in an action of debt, one moiety to the use of him or them who shall sue for the same, and the other moiety to the use of the Commonwealth; or they may be recovered by information filed by the attorney-general, in any court having competent jurisdiction, in which case they shall accrue wholly to the Commonwealth.

Fines and forfeitures, disposal of.

SECTION 7. This act shall take effect upon its passage.

Approved April 24, 1865.

AN ACT RELATING TO BANKS.

Chap. 147

Be it enacted, &c., as follows:

SECTION 1. In lieu of the amount of specie which every state bank is required, by the nineteenth section of the fifty-seventh chapter of the General Statutes, to keep in the bank, it shall be lawful for every such bank to keep in the bank an amount of lawful money of the United States, equal to fifteen per cent. of its liability for circulation and deposits; and all the provisions and requirements of said nineteenth section shall apply equally to lawful money of the United States, and to specie, so that it shall be optional with each bank to keep the fifteen per cent. required by said nineteenth section the whole or any part thereof in specie, or in lawful money of the United States.

Fifteen per cent. of liability for circulation and deposits may be kept in U. S. currency, in lieu of specie.

SECTION 2. The treasurer of the Commonwealth is hereby directed to pay, when demanded by any bank, six per cent. for any bank loans due, or that may become due, from the Commonwealth to any bank, and which have been made under the provisions of the eighty-third section of the fifty-seventh chapter of the General Statutes, from and after the passage of this act.

Treasurer of Commonwealth to pay, upon demand, six per cent. for certain loans of banks.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1865.

AN ACT IN ADDITION TO THE SEVERAL ACTS RELATIVE TO UNLAWFUL RECRUITING.

Chap. 148

Be it enacted, &c., as follows:

SECTION 1. It shall not be lawful for any person within this Commonwealth to recruit for or enlist in the naval or military service of the United States, or to procure persons to act in such service, except under the authority of

Enlisting, except under authority, or enticement of citizen away, prohibited.

the governor, or of the government of the United States, nor to entice or solicit any person to leave the Commonwealth for the purpose of entering upon or enlisting, or offering himself in any military or naval service elsewhere.

Penalty for offence.

Whoever offends against the provisions of this section shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months.

Penalty for causing unauthorized enlistment of minor.

SECTION 2. Any person who shall enlist or cause to be enlisted a minor under the age of eighteen years, and induce such minor to enter into the naval or military service, knowing him to be under said age, without the consent of the father of such minor, if living within this Commonwealth, or of the mother or guardian of the minor, in case of the death of the father or of his non-residence in the Commonwealth, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years.

Penalty for using drug or spirit upon person for enlistment.

SECTION 3. Any person who shall administer or cause to be administered to another, any drug or intoxicating liquor, with the intent to inveigle him into the naval or military service, or shall entice or induce him, while under the influence of any such drug or liquor, to enter upon such service, shall be punished by fine not exceeding two thousand dollars, or by imprisonment not exceeding two years.

Approved April 24, 1865.

Chap. 149

AN ACT TO INCORPORATE THE HYANNIS HOTEL COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Alexander Baxter, Owen Bearse, Ephraim N. Winslow, their associates and successors, are hereby made a corporation by the name of the Hyannis Hotel Company, for the purpose of purchasing or erecting in the town of Barnstable, buildings necessary and convenient for a public house; with all the powers and privileges, and subject to all the liabilities, duties and restrictions set forth in the the general laws which now are, or hereafter may be in force, and applicable to such corporations.

Title.

Location.

Powers.

Capital stock.

SECTION 2. The capital stock of said corporation shall not exceed fifteen thousand dollars, and shall be divided into shares of the par value of one hundred dollars each; and said corporation may hold such real and personal property as may be necessary and convenient for the purposes aforesaid, not exceeding the amount of the capital stock.

Shares.

Estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1865.

AN ACT TO INCORPORATE THE WILLIAMSBURG RESERVOIR COMPANY. *Chap. 150*
Be it enacted, &c., as follows :

SECTION 1. William Skinner, Joel Hayden, Lewis Bodman, their associates and successors, are hereby made a corporation by the name of the Williamsburg Reservoir Company, for the purpose of constructing and maintaining a reservoir of water on the east branch of Mill river in the town of Williamsburg, for the supply of mills situated on said river ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, and its whole capital stock shall not exceed thirty thousand dollars, which shall be divided into shares of one hundred dollars each.

SECTION 3. This act shall take effect upon its passage.
Approved April 24, 1865.

AN ACT CONCERNING THE PAYMENT OF BOUNTIES AND MONTHLY COMPENSATION. *Chap. 151*

Be it enacted, &c., as follows :

SECTION 1. The monthly pay, which by the provisions of chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three, or of any act in extension thereof, is payable to persons in the military service of the United States, shall be paid by the persons appointed pursuant to the fifth section of said act, who shall also pay interest at the rate of five per centum per annum on all sums payable as such pay, said interest to commence after sixty days from the expiration of the service certified upon the pay-rolls.

SECTION 2. There shall be furnished to the persons appointed as aforesaid, from the treasury, upon the warrants of the governor, such sums of money, from time to time, as may be necessary to pay the bounty provided in said act, and to make the payments herein provided to be made by them.

SECTION 3. The adjutant-general shall prepare pay-rolls and other necessary documents connected with payments of bounty and monthly pay, as provided in said act, and supply them to the persons appointed as aforesaid. He shall prepare the pay-rolls in triplicate, and deposit one copy with the auditor, and dispose of the other two copies as aforesaid, one of which, when examined and found correct, after payment, shall be deposited with the auditor.

Repeal.

SECTION 4. The sixth section, and so much of the third section of said act as provides that said monthly pay shall be payable at the office of the treasurer of the Commonwealth, and all provisions of law inconsistent herewith, are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved April 25, 1865.

Chap. 152

AN ACT TO AUTHORIZE TOWNS AND CITIES TO REIMBURSE MONEY PAID FOR RECRUITING PURPOSES.

Be it enacted, &c., as follows :

May raise for municipality or person.

SECTION 1. Any town or city may raise, by taxation or otherwise, such sums of money as may be necessary to pay and refund any money which has already been paid and applied by such city or town, or contributed by individuals in aid of, and for the purpose of filling its quotas, or furnishing men for the present war, under any requisition, order or call of the president or of the war department of the United States, during the year eighteen hundred and sixty-four: *provided*, that all sums raised under this act shall be assessed and paid within three years from its passage.

Proviso.

No reimbursement by Commonwealth.

SECTION 2. No town or city shall hereafter claim any reimbursement from the Commonwealth for any money raised under the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1865.

Chap. 153

AN ACT FOR SUPPLYING THE CITY OF CAMBRIDGE WITH PURE WATER.

Be it enacted, &c., as follows :

City may purchase Cambridge water works, and Cambridgeport aqueduct.

SECTION 1. The city of Cambridge, for the purpose of supplying the inhabitants thereof with fresh water, is hereby authorized and empowered to purchase, upon such terms as may be agreed upon, all the works, franchises, rights and property of the Cambridge water works, including the works, franchises, rights and property of the Cambridgeport aqueduct company, acquired by said Cambridge water works under the provisions of chapter twelve of the acts of the year eighteen hundred and sixty-one, and hold the same; and may enlarge, improve and repair the water sources, aqueducts, pumps, reservoirs and other property so purchased, with a view to an increased and adequate supply of pure water for public and private uses in said city, subject to the restrictions now imposed by law upon the Cambridge water works; and may also take and hold, in like manner, such land as may be necessary for erecting and maintaining dams and reservoirs, and for erecting and maintaining conduits,

May improve property for supply of water.

May acquire land for reservoirs, pipes, etc.

pipes and other works for collecting, conducting and distributing water from the sources of supply now used by said Cambridge water works through said city, or from the sources of supply which said Cambridge water works have the right to use. The Cambridge water works are hereby authorized and empowered to sell and transfer all their corporate property, rights and franchise to the said city of Cambridge.

Water works Co. may transfer property and franchise.

SECTION 2. The mayor of said city, within thirty days after the taking of any land or other property, under the provisions of this act, shall file in the registry of deeds for the county of Middlesex a description thereof, sufficiently accurate for identification.

Mayor of city to file description of all property.

SECTION 3. Said city, for the purposes aforesaid, may build aqueducts and maintain the same, by any works suitable therefor; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of the water, and establish the prices or rents to be paid therefor, and collect the same by process of law. Said city may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining or repairing pipes or drains, and may do any other acts or things necessary and proper in executing the purposes of this act.

City may build and maintain works and regulate use of water.

May cross over or under water-course or way.

SECTION 4. If said city enters upon and digs up, for the purposes aforesaid, any road, street or way without its own limits, it shall do so under the direction of the selectmen of the town in which said road, street or way is located, and shall restore said road, street or way to as good order and condition as it was in before such digging was commenced; and the work shall be done in such manner and with such care as not to render any road, street or way in which such pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall at all times indemnify and save harmless such town which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expenses which it shall reasonably incur by reason of any defect or want of repair in such road, street or way, caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property, caused by

Works outside city limits to be with consent of selectmen, and streets restored.

City to be responsible for damages caused by defect in streets from maintenance of said works.

Proviso.

any defect or want of repair in such pipes: *provided*, that said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

City liable for private damages.

SECTION 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of any land or property, or by the constructing of any aqueducts, reservoirs or other works, for the purposes aforesaid.

Disagreement may be adjusted by assessment under law.

If any person or corporation, sustaining damages as aforesaid, cannot agree with said city upon the amount of said damages, he may have them assessed in the same manner as is provided by law with respect to land taken for highways.

City council to direct exercise of powers by officers.

SECTION 6. All the rights, powers and authority given to the city of Cambridge by this act, shall be exercised by said city subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the city council shall from time to time ordain, direct and appoint.

Council may issue scrip or bonds, as "Cambridge Water Loan," for \$500,000, at 6 per cent. interest.

SECTION 7. For the purpose of defraying the cost of such franchises, property, lands, water and water rights as are purchased, taken or held for the purposes aforesaid, and of constructing the works necessary and proper for the accomplishment of said purposes, and paying all expenses incident thereto, the city council shall have authority to issue scrip or bonds, to be denominated on the face thereof "Cambridge Water Loan," to an amount not exceeding in the whole five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, and the principal to be payable at periods not more than fifty years from the issuing of such scrip or bonds, respectively. Said city council may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. Said scrip or bonds may be paid at the par value thereof, for the purchase of the property mentioned in section one of this act.

May sell same at not less than par value.

Water rents, council to establish to pay interest and one per cent. of loan.

SECTION 8. The city council shall establish such price or rents to be paid for the use of the water as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest and not less than one per centum of the principal of the "Cambridge Water Loan," and shall determine the manner of collecting the same. The net surplus income and receipts, after deducting all expenses and charges of distribution shall be set apart as a sinking fund, and applied solely to the payment of the principal and interest of said loan, until the same is fully paid. The mayor, city treasurer and president of the common council

Surplus to be sinking fund for final payment.

Trustees of fund.

for the time being, shall be trustees of said fund, and shall, whenever required by the city council, render an account of all their doings in relation thereto.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable, if, on being notified of such use, he does not object to the same.

Liability of occupant and owner for rents.

SECTION 10. If any person shall use any of the said water, either within or without said city, without the consent of the same, an action of tort may be maintained by said city for the recovery of the damages sustained.

Action for unauthorized use of water.

SECTION 11. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant or machinery, or other works or property held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year, in the house of correction in said county of Middlesex.

Penalty for wanton injury to water or works.

SECTION 12. This act shall take effect upon its passage.

Approved April 25, 1865.

AN ACT TO REGULATE THE COMPENSATION OF CERTAIN OFFICERS
AND CLERKS.

Chap. 154

Be it enacted, &c., as follows:

SECTION 1. All officers who may have been, or who shall be appointed by the governor, by virtue of the provisions of sections fifteen and seventeen of chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-one, shall receive such compensation as the governor may determine; but the chief officers of the several military departments or agencies shall never receive in any year a greater compensation than is received in the same year by the adjutant-general; nor shall any of the officers or first clerks employed in the offices of the surgeon-general, quartermaster-general, chief of ordnance, or other military department or agency, ever receive in any year a greater compensation than is received in the same year by the first clerk in the office of the adjutant-general; and the salaries of the other clerks and employees in the said military departments or agencies shall correspond as far as practicable with the salaries of the other clerks and employees in the office of

Governor to establish pay under §§ 15, 17, ch. 219, Act of '61, with limitations defined.

the adjutant-general: *provided*, that no clerk or employee, other than a first clerk, shall receive a greater compensation than is by law established for additional clerical assistance in the office of the secretary of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 155 AN ACT RELATING TO TRUSTEE PROCESS IN CASE OF AN ACTION PENDING.

Be it enacted, &c., as follows:

Plaintiff summoned as trustee of defendant upon demand in set off, §§ 18, 19, 20, ch. 142 G. S. to apply.

If, during the pendency of an action, the plaintiff shall be summoned as trustee of the defendant, on account of any demand which shall be filed in set-off in such action, the first suit shall be subject to all the provisions of sections eighteen, nineteen and twenty of chapter one hundred and forty-two of the General Statutes, in the same manner and to the same effect, as if it were an action brought by the defendant against the plaintiff upon said demand in set-off.

Approved April 27, 1865.

Chap. 156 AN ACT RELATING TO THE PUBLICATION OF AMENDMENTS TO THE CONSTITUTION OF THIS COMMONWEALTH.

Be it enacted, &c., as follows:

Engrossment and deposit with secretary required.

Secretary to publish.

SECTION 1. All amendments to the constitution of this Commonwealth which have been, or shall be originated and agreed to at the present or any future session of the general court in the manner prescribed in the constitution, shall be engrossed on parchment, signed by the presiding officers of the two branches, and deposited in the office of the secretary of the Commonwealth; and the secretary shall cause the same to be published in the official publications of the acts, resolves and other official information intended for the public in the same manner as is now provided in sections one, three and four of chapter three of the General Statutes, for the matters therein referred to.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 157 AN ACT CONCERNING THE ISSUE OF PASSPORTS AND CERTIFICATES OF CITIZENSHIP.

Be it enacted, &c., as follows:

Fee for issue.

Proviso.

SECTION 1. Every person receiving from the secretary of this Commonwealth, a passport or certificate of citizenship, shall pay therefor the sum of two dollars: *provided*, that a person deemed by said secretary entitled by reason of poverty to be exempt from the payment of such sum, shall receive such passport or certificate free from charge; and *provided, further*, that such passport or certificate shall have

appended to the same an oath or affirmation taken and subscribed by the person named in such passport or certificate, that he will support the constitution of the United States, together with a certificate from said secretary, or some magistrate qualified to administer oaths, that such oath or affirmation has been so taken and subscribed before him.

Oath of loyalty to be taken and certified.

SECTION 2. The moneys received under the preceding section shall be included in the certificates of quarterly returns of fees made by the secretary to the treasurer and receiver-general.

Moneys to be paid treasurer.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1865.

AN ACT CONCERNING THE PRESERVATION OF CERTAIN BIRDS.

Chap. 158

Be it enacted, &c., as follows :

The eighty-second chapter of the General Statutes is hereby amended by striking out in the second line of the first section thereof the word "September," and inserting in place thereof the word "October."

G. S. ch. 82, amended.

Approved April 27, 1865.

AN ACT TO AUTHORIZE THE LAYING OUT AND WIDENING OF A STREET FROM MILK STREET TO BROAD STREET, IN THE CITY OF BOSTON.

Chap. 159

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the city of Boston are hereby authorized to widen and lay out, as a street, the line of street extending from Milk street to Broad street, in the said city, nearly parallel with Pearl street, and now known by the names of Oliver street, Washington square, and Belmont street, to take sufficient land for the same, to grade the same, and to assess the cost of such widening and grading, including damages for land and buildings taken for such widening, upon estates abutting upon said widened street, as hereinafter provided. But the determination so to widen and lay out said street shall be made by the mayor and aldermen, and recorded within one year from the passage of this act.

Mayor and aldermen authorized.

Decision to act to be made and recorded within year.

SECTION 2. The said street shall be made not less than fifty feet wide, and shall be so graded, that the rise or fall shall in no place exceed two feet and a half in one hundred feet of length.

Width and grade of street.

SECTION 3. In making the estimate of the cost aforesaid, for which the assessment herein provided is to be laid, the mayor and aldermen shall estimate the damages sustained by any person or persons, by the taking of land for the said widening, including the value of the whole of the buildings on the land, and part of which shall be so taken, deducting

Mayor and aldermen to estimate damages to persons.

Decision to be final.

Estimation of value, basis.

Payment of damages defined.

Property remaining to be cared for by owner or at his cost.

Removal may be made at expense of owner.

Assessment of expenditure for widening to be upon abutting estates.

Shall constitute lien for one year, and may be levied by sale in three months after demand.

Party aggrieved may have jury.

therefrom, however, the value of the materials to be removed, and of the buildings, if any, which will remain standing; but no person shall be entitled to claim further damages for the cutting off of such buildings, or injury to the same; and, in estimating the value of the land cut off by the said widening, the land so cut off shall be estimated at its value before the widening, and such estimate shall not include the increased value occasioned merely by the widening, laying out and grading of the said street.

SECTION 4. The damages estimated according to the preceding section, shall be paid to the persons entitled thereto, in the same manner, and upon the same conditions, as is provided by law in other cases of land taken for widening streets in the county of Suffolk.

SECTION 5. Buildings and materials remaining upon the land under the adjudication provided in section three, shall be taken care of by the owner thereof; and if such owner, after due notice so to do, by said mayor and aldermen, neglects or fails to take sufficient care thereof, said mayor and aldermen may take such care of the same as the public safety demands, at the expense of the owner; and if they shall adjudge a removal thereof to be necessary for the public security or necessity, they may remove the same at the expense of the owner, or they may sell the same after five days' notice, at public auction, and hold the net proceeds of such sale for the benefit of the owner.

SECTION 6. The whole expense of the said widening, including the damages mentioned in the third section of this act, and the net expense of grading the whole widened street, after deducting the estimated net proceeds of the earth and gravel removed, shall be assessed upon all the estates abutting upon the said widened street, in proportion to their value, as they shall be appraised by the mayor and aldermen, when the improvements have been made.

SECTION 7. All assessments made under this act shall constitute a lien on the real estate assessed, for one year after they are laid, and may, together with all incidental costs and expenses, be levied by sale thereof, if the assessment is not paid within three months after a written demand of payment, made either upon the person assessed, or upon any person then occupying the estate or posted upon the premises; such sale to be conducted in like manner as sales for the non-payment of taxes.

SECTION 8. Any party aggrieved by the doings of the mayor and aldermen under this act, shall have the like remedy by petition for a jury, and with the same limitations

as to the time of bringing such petition, as in other cases of widening or altering streets in the county of Suffolk. And any person aggrieved by the estimate made by the mayor and aldermen under the tenth section of this act, may have the same assessed by a jury in the same manner as damages for the taking of land for highways may be assessed.

SECTION 9. The city of Boston, at its own expense, shall provide a suitable common sewer, and proper sidewalks, for the said street, pave the said street, as widened, and build the necessary bridges over it.

Sewer, sidewalks and bridges, city to provide.

SECTION 10. Any person owning any of the said estates abutting on the said line of streets mentioned in the first section, at any time before the estimation of the damages, according to the third section of this act, may, instead of the provisions in section third, elect to surrender all of the said estate to the city of Boston. The mayor and aldermen of the said city shall thereupon estimate the value of the whole of the said abutting estate, with the buildings thereon, and the said owner shall convey the same to the said city, and the said city shall pay him therefor the value so estimated. And the said city shall sell at public auction all the building materials and buildings, and the remaining portion of said estate not used in said widening and grading, and the net proceeds thereof shall be applied towards the expenses of said widening and grading. And the estimated value of said estate, so paid by said city, shall be assessed upon the abutters, as provided in the sixth section of this act, instead of the damages estimated according to the said third section.

Estate owner may surrender property to city.

Mayor and aldermen to estimate value, owner to convey and city to pay.

Property not used may be sold.

Sum paid by city to be assessed upon abutters.

SECTION 11. This act shall take effect upon its passage.

Approved April 27, 1865.

AN ACT REPEALING CERTAIN PROVISIONS RESPECTING ALIEN PAS-
SENGERS.

Chap. 160

Be it enacted, &c., as follows :

SECTION 1. The sixteenth, seventeenth and eighteenth sections of the seventy-first chapter of the General Statutes are hereby repealed.

G. S. §§ 16, 17, 18, ch. 71, repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

AN ACT RELATING TO THE DISCHARGE OF PERSONS COMMITTED
UNDER THE PROVISIONS OF THE LAWS FOR THE MAINTENANCE
OF BASTARD CHILDREN.

Chap. 161

Be it enacted, &c., as follows :

Whenever the party accused is committed, under the provisions of section four of chapter seventy-two of the General Statutes, and the complaint is not entered at the term of the superior court at which he was required to appear, he may

Failure of entry, at term cited, to authorize hearing and discharge

make application to said court, setting forth the facts and asking to be discharged ; and if it shall appear, after such notice as the court may require, that there is no ground to hold him to answer further to the prosecution, the court shall order him to be discharged. *Approved April 27, 1865.*

Chap. 162 AN ACT CONCERNING THE ADMISSION OF SICK PERSONS TO THE STATE ALMSHOUSES.

Be it enacted, &c., as follows :

Cities and towns to retain all with contagion, or too ill for safe transit, and notify board state charities.

SECTION 1. No city or town authorities shall be allowed to send to either of the state almshouses any person infected with smallpox or other disease dangerous to the public health, nor any other sick person whose health would be endangered by removal ; but all such persons liable to be maintained by the Commonwealth shall be supported during such sickness by the city or town in which they are taken sick, and notice of such sickness shall be given to the board of state charities, who shall have authority to examine the case, and order the removal of the patient if they deem expedient.

Expense approv'd by agent of board to be reimbursed.

SECTION 2. The expense incurred by any city or town under the provisions of the first section of this act, after notice shall have been given as therein required, and the bills for said support having been approved by the agent of the board of state charities, shall be reimbursed by the Commonwealth to an amount not exceeding at the rate of the average weekly cost of the support of similar patients at the Rainsford Island Hospital.

Penalty for violation of first section.

SECTION 3. Any mayor or overseer of the poor who shall knowingly offend against the provisions of the first section of this act, shall be subject to a penalty of not less than fifty nor more than one hundred dollars.

Approved April 27, 1865.

Chap. 163 AN ACT RELATING TO THE CIRCULATION OF BANKS BECOMING BANKING ASSOCIATIONS UNDER THE LAWS OF THE UNITED STATES, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Bank absolved from redeeming existing issue after three years.

SECTION 1. Any bank established by authority of this Commonwealth which has hitherto or shall become hereafter a banking association under the laws of the United States, pursuant to the provisions of chapter two hundred and forty-four of the acts of the year eighteen hundred and sixty-three, shall be absolved from all liability to redeem its circulating notes issued while a state bank, at the expiration of three years from the time when it ceased to issue or pay out such notes ; such time to be ascertained and certified by the bank

commissioners, or, if no such board shall exist, by the secretary of the Commonwealth: *provided*, such bank shall, within two years from the date so certified, give public notice of the time of the limitation of its liability to redeem said notes, by publishing a copy of the certificate of the bank commissioners, or of the secretary of the Commonwealth, as the case may be, in such daily newspaper printed in the city of Boston as the secretary shall approve, for the period of thirty days; and if such bank shall be located out of the city of Boston, similar notice shall likewise be published weekly, for one month, in some newspaper published in the city or town where such bank is located; or if there be none published therein, then in a newspaper published in some other city or town nearest thereto, within the same county; and *provided, further*, that similar notices shall again be published, under like authority, daily, for the period of thirty days, and once a week for the period of three months, next succeeding said thirty days; and if such bank shall be located out of the city of Boston, the same notice shall be published once a week for three months successively, in some newspaper published in the city or town where such bank is located, or if there be none published therein, then in a newspaper published in the city or town nearest thereto, within the same county, the latest of all the last-named publications to be at least three months before the expiration of such period of limitation.

Provisos: notice to be published of limitation of liability within two years.

Similar notice to be made three months before expiration of time.

SECTION 2. The bank commissioners, or if no such board shall exist, the secretary of the Commonwealth, shall annually, in the month of January, report to the legislature, a list of all the banks included in the provisions of this act, together with the outstanding circulation of each on the first day of January, current, and also the time after which the redemption of such circulation will be barred.

Annual report of commissioners to legislature.

SECTION 3. Banks established by the authority of this Commonwealth, which become banking associations under the laws of the United States, shall, on the first Mondays of January, April, July and October, of each year, make returns to the secretary of the Commonwealth for publication, of their outstanding circulation on the first days of said months, respectively, so long as the same is required to be redeemed.

Quarterly returns to secretary Commonwealth for publication.

SECTION 4. Stockholders in any bank at the time of the surrender of its charter for the purpose of becoming a banking association under the laws of the United States, shall be liable in their individual capacities for the payment and redemption of all bills issued by such bank while a state bank, and remaining unpaid, in the same manner, to the

Stockholders liable for redemption, as when charter expires.

same extent and with the same rights of contribution, as in cases where the charter expires.

Securities with auditor; conditions of withdrawal.

SECTION 5. Nothing in this act shall authorize any bank organized under the general laws to withdraw its securities from the hands of the state auditor otherwise than in accordance with the provisions of section one hundred and twenty-nine of chapter fifty-seven of the General Statutes, but the deposit therein required to be made, may be made in the bank which shall be established under the laws of the United States, in place of such state bank.

Deposit.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Ceasing issue to relieve from tax on circulation.

SECTION 7. Any bank established by authority of this state, when it shall cease to issue its own bills for circulation, shall thereafter be exempted from the payment of the tax imposed by the eighty-ninth section of the fifty-seventh chapter of the General Statutes.

SECTION 8. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 164

AN ACT IN RELATION TO THE TRUSTEES OF THE MARBLEHEAD ACADEMY.

Be it enacted, &c., as follows :

May permit town to use income and building for high school.

SECTION 1. The trustees of the Marblehead Academy may permit the town of Marblehead to use their academy building for a high school, and may devote the income of the funds under their control to the support of said school.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 165

AN ACT TO INCORPORATE THE EVERETT HALL ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Eben Denton, Caleb C. Allen, Henry Endicott, their associates and successors are hereby made a corporation by the name of the Everett Hall Association, in Cambridge, for the purpose of providing and maintaining a building in that part of Cambridge called Cambridgeport, with rooms suitable for halls, public lectures, stores and offices; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Location.

Purpose.

Powers.

Estate.

SECTION 2. Said corporation may hold real estate for the purpose aforesaid, to an amount not exceeding sixty thousand dollars, and the capital stock of said corporation shall not exceed sixty thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital.

Shares.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1865.

AN ACT TO INCORPORATE THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN. *Chap. 166*

Be it enacted, &c., as follows:

SECTION 1. Rachel C. Merriam, Charlotte Barnes, Caroline L. Rice, their associates and successors, are hereby made a corporation by the name of the Springfield Home for Friendless Women and Children, for the purpose of providing a temporary home for destitute and friendless women and children; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws that now are, or may hereafter be in force and applicable to such corporations. Corporators.
Purpose.
Powers.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real and personal estate to the amount of twenty thousand dollars. Estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1865.

AN ACT TO INCORPORATE THE TRUSTEES OF THE THEOLOGICAL SEMINARY OF THE METHODIST EPISCOPAL CHURCH. *Chap. 167*

Be it enacted, &c., as follows:

SECTION 1. Lee Claflin, Isaac Rich, Jacob Sleeper, their associates and successors, are hereby made a corporation by the name of the Trustees of the Theological Seminary of the Methodist Episcopal Church, with power and authority to establish and maintain, at some place in or near the city of Boston, an institution for the promotion of learning and piety, by the instruction of young men in biblical science and literature, and aiding them in preparing to become useful preachers of the gospel; and the said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes, and in all general laws which now are or may hereafter be in force, applicable to such corporations. Corporators.
Powers.
Location.
Purpose.
Powers.

SECTION 2. Said corporation may take and hold in fee simple, or any less estate, by gift, grant, bequest, devise or otherwise, any lands, tenements or other estates, real or personal, to an amount not exceeding five hundred thousand dollars, and administer the same to promote the objects of said institution, conforming to the will of any donor or donors, in the application of any estate given, devised or bequeathed to said corporation. May receive and hold any gift of real or personal estate.

SECTION 3. The first meeting of said corporation shall be called by notice designating the time and place of said meeting, signed by the corporators named in this act, and published in the newspaper called *Zion's Herald*, two weeks First meeting of corporation, how notified.

Duties of trustees. next preceding the time of said meeting; at which meeting the trustees shall fix the location of said institution, and establish all necessary rules concerning the number, qualifications, election, removal, tenure and succession of members of the corporation; but the corporation shall have the power, at all times, to make, amend, alter or annul all such other rules and regulations, not repugnant to the laws of the Commonwealth, as they may deem proper for the government of the corporation.

Powers of revision by corporation.

SECTION 4. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 168 AN ACT TO INCORPORATE THE HOLYOKE AND SOUTH HADLEY FALLS BRIDGE COMPANY.

Be it enacted, &c., as follows:

Corporators. SECTION 1. Alonzo Bardwell, S. S. Chase, Stephen Holman, their associates and successors, are hereby made a corporation by the name of the Holyoke and South Hadley Falls Bridge Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force, relative to such corporations.

Powers.

May erect bridge over Connecticut river. SECTION 2. The said corporation is hereby authorized and empowered to erect a bridge over Connecticut river, between the towns of Holyoke and South Hadley, and between Chapin's brick store on the north side, and the west line of Bridge Street, as laid out by the Hadley Falls Company, on the south side of the river, and the swing ferry, and to purchase and hold such real and personal estate as may be proper for that purpose, not exceeding in value the sum of one hundred thousand dollars; and the capital stock of said company shall be divided into shares of one hundred dollars each. Said bridge shall be well built, of suitable materials, at least twenty-six feet wide, and floored with planks, with sufficient railings on each side, and shall be kept in good repair at all times.

May purchase estate.

Capital stock.

Construction and maintenance of bridge.

Tolls granted and rates defined.

SECTION 3. A toll is hereby granted to said corporation and established at the following rates, namely: For each foot passenger, one cent; for each horse and rider, five cents; for each gig, sulky, buggy, wagon or sleigh without top, drawn by one horse, ten cents; for each chaise, cab, carryall, covered buggy or sleigh, drawn by one horse, fifteen cents; for each coach, chariot, phaeton or covered sleigh, drawn by two horses, twenty-five cents; and for each additional horse, four cents; for each cart, wagon, sled, sleigh, or other carriage of burden, drawn by one beast, ten cents; if drawn by two

beasts, fifteen cents; and for each additional beast, four cents; for each horse without a rider, four cents; for neat cattle, asses and mules, three cents each; for sheep and swine, one cent each: and one person and no more to each team shall pass free of toll.

SECTION 4. The said tolls shall commence on the day of the opening of said bridge for public use, and continue for the term of fifty years; and at the place of receiving said tolls, there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly printed thereon: *provided*, that if at any time after the building of said bridge, the counties of Hampshire and Hampden, the towns of Holyoke and South Hadley, or any or either of them, shall pay to the said company such sum of money as will reimburse to each person who may then be a stockholder therein the par value of his stock, together with a net profit of eight per centum per annum from the time of the issue of his stock, deducting the dividends received by such stockholder therein, then the said bridge shall be surrendered to the counties of Hampshire and Hampden, or to the towns of Holyoke and South Hadley, as the case may be, to be forever after maintained a free bridge.

Shall continue fifty years, and be plainly advertised.

Proviso: counties and towns named may purchase.

SECTION 5. The said corporation may, if it see cause, commute said rates of toll with any person or persons, by taking a certain less sum payable at any stated periods, instead of the toll aforesaid, or by taking of all persons less rates of toll than are above specified, public notice of their intention so to do being first published three weeks successively in some newspaper published in the county of Hampshire or Hampden.

Commutation of toll for terms of time to be advertised.

SECTION 6. The said corporation, at the time of opening said bridge, or as soon as may be thereafter, shall cause a true account of the expenses of building the same, and also at the end of every three years thereafter a true account of all receipts and disbursements on account of the same, to be returned into the office of the secretary of the Commonwealth.

Report to secretary of Commonwealth.

SECTION 7. The legislature may at any time hereafter regulate the tolls on said bridge as it may deem expedient, upon reasonable notice to said corporation.

Legislature may change tolls.

SECTION 8. If said corporation shall neglect, for the space of five years from the passage of this act, to build and finish the said bridge, then this act shall be of no effect.

Limitation of time for construction.

SECTION 9. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 169 AN ACT TO INCORPORATE THE WILLIAMSTOWN MANUFACTURING COMPANY.

Be it enacted, &c., as follows :

- Corporators.** SECTION 1. Harvey Arnold, Oliver Arnold, Stephen Walley, their associates and successors, are hereby made a corporation by the name of the Williamstown Manufacturing Company, for the manufacture of woollen or cotton cloths, in the town of Williamstown, in the county of Berkshire ;
- Purpose.** with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force relating to manufacturing corporations.
- Powers.**
- Estate.** SECTION 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred and twenty-five thousand dollars. The whole capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of fifty thousand dollars of its capital stock has been paid in.
- Capital stock.**
- Shares.**
- Proviso.**

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 170 AN ACT CONCERNING THE AGRICULTURAL BRANCH RAILROAD.

Be it enacted, &c., as follows :

- May construct certain track in Clinton.** SECTION 1. The Agricultural Branch Railroad Company is hereby authorized to construct its track across the track of the Worcester and Nashua Railroad Company, in the town of Clinton, and over Main and Water streets in said town at grade: *provided, however*, that if said company shall build its track across said Water street at grade, it shall erect and maintain across said street, on the easterly side of said railroad track a gate, and cause the same to be closed while trains are passing said street.
- Proviso.**

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 171 AN ACT CONCERNING THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY.

Be it enacted, &c., as follows :

- Time to locate extended to May 1, '68.** The time for locating and constructing the road of the Boston, Hartford and Erie Railroad Company, is hereby extended to the first day of May, in the year eighteen hundred and sixty-eight.

Approved April 27, 1865.

AN ACT TO INCORPORATE THE SALISBURY BEACH PLANK ROAD COMPANY. *Chap. 172**Be it enacted, &c., as follows :*

SECTION 1. George Currier, Moses Eaton, junior, Streeter Evans, their associates and successors, are hereby made a corporation under the name of the Salisbury Beach Plank Road Company, for the purpose of purchasing land and constructing and maintaining a plank road from a point near the house of Silas Pike, in the town of Salisbury, to the sea-shore in said town.

Corporators.

Location.

SECTION 2. The said corporation may use, for the construction of the said road, any highway or town way in the town of Salisbury without making compensation therefor, but without the right to take toll on any portion of said plank road, built on any part of any highway or town way in said Salisbury : *provided*, that the county commissioners of the county of Essex, and the selectmen of said town shall consent in writing thereto ; a copy of which consent shall be filed with the clerk of the courts in said county.

Corporation may use public ways in Salisbury, but without toll.

Proviso : county commissioners to consent.

SECTION 3. The construction of the said road shall be subject to the approval of the county commissioners of the county of Essex ; and whenever the same or any part of said road shall be completed, the said commissioners may authorize the erection of gates and the taking of toll.

Commissioners to approve construction.

SECTION 4. The capital stock of said corporation shall not exceed twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each ; and no shares in said capital stock shall be issued for a less sum to be actually paid in on each share, than the par value thereof.

Capital stock.

Shares.

SECTION 5. Said corporation is hereby chartered for the term of twenty-five years from the passage of this act, and no more, during which time it shall be subject to all general laws which now are or shall hereafter be in force and applicable to turnpike corporations.

Term of charter twenty-five years.

SECTION 6. The by-laws of said corporation, the rates of toll to be taken upon said road, and the places for the erection of toll gates, shall be subject to the approval of the county commissioners of the county of Essex.

By-laws, tolls and gates to be approved by county commissioners.

*Approved April 27, 1865.*AN ACT IN RELATION TO THE BOARD OF OVERSEERS OF HARVARD COLLEGE. *Chap. 173**Be it enacted, &c., as follows :*

SECTION 1. The places of the successive classes in the board of overseers of Harvard College, and the vacancies in such classes shall hereafter be annually supplied by ballot

Elections to be on commencement day and of honorary graduates.

- of such persons as have received from the college a degree of bachelor of arts, or master of arts, or any honorary degree, voting on commencement day in the city of Cambridge; such election to be first held in the year eighteen hundred and sixty-six: *provided, however*, that no member of the corporation, and no officer of government or instruction in said college shall be eligible as an overseer, or entitled to vote in the election of overseers; and *provided, further*, that no person who has received from said college the degree of bachelor of arts shall be entitled to vote for overseers before the fifth annual election after the graduation of his class.
- Provisos.** SECTION 2. The board of overseers shall annually appoint one principal and two or more assistant-inspectors of polls, who shall, on commencement day, from the hour of ten in the forenoon to the hour of four in the afternoon, at some place in said city of Cambridge, fixed by said board, receive the votes for overseers; and they shall sort and count such votes, and make public declaration thereof, after the closing of the polls; and said inspectors shall be provided with a complete list of the persons qualified to vote at such election, and no person shall vote until the inspectors find and check his name upon such list. The names of the persons voted for, the number of votes received for each person, and the vacancy or place in said board for which he is proposed, shall be entered in words at length, by said inspectors, upon a record kept by them for that purpose, which shall, after such election, be forthwith made up, signed, and delivered by them to the board of overseers. The persons who shall receive the highest number of votes for the places or vacancies in said board shall, to the number of overseers to be elected, be deemed and shall be declared by said board elected to be members thereof.
- Board to appoint inspectors of polls.**
- List of electors.**
- Record of inspectors.**
- Plurality to elect.**
- SECTION 3. The board of overseers shall give notice of the place of the polls, the hours during which they are open, and the number of overseers to be elected, by publishing the same at least ten days before commencement day in some newspaper printed in the city of Boston.
- Board to notify of election by publication.**
- SECTION 4. The terms of office of the existing classes of overseers are extended to the close of commencement day of the year in which such terms severally expire; the terms of office of the classes hereafter elected shall successively expire at the close of commencement day each year in their order; and the persons elected overseers on any commencement day, shall supply the places of the class of overseers which goes out of office at the close of that day, and the vacancies then existing in said board.
- Official terms of classes defined.**
- Succession of overseers.**

SECTION 5. Whenever there shall be a failure on commencement day to supply any places or vacancies in the board of overseers, the same may be filled by vote of the remaining overseers; and any person elected to fill a vacancy shall be deemed to be a member of and to go out of office with the class to which his predecessor belonged.

Election failing, overseers may fill vacancies.

SECTION 6. The governor, lieutenant-governor, president of the senate, speaker of the house of representatives, and secretary of the board of education, shall not be *ex officio* members of the board of overseers of Harvard College after this act shall be in force.

State officers not to be *ex officio* members.

SECTION 7. This act shall be in force when the board of overseers and the president and fellows of Harvard College respectively, at meetings held for that purpose, shall by vote have assented to the same.

Act to be in force when accepted.

SECTION 8. This act shall not be construed as in the nature of a contract or a charter, but may at any time be repealed at the pleasure of the legislature.

May be repealed by legislature.

Approved April 28, 1865.

AN ACT TO AUTHORIZE THE HOLYOKE MUTUAL FIRE INSURANCE COMPANY OF SALEM TO PURCHASE AND HOLD REAL ESTATE.

Chap. 174

Be it enacted, &c., as follows:

SECTION 1. The Holyoke Mutual Fire Insurance Company in the city of Salem, is hereby authorized to purchase and hold real estate in said city, to an amount not exceeding thirty thousand dollars: *provided*, that no part of said amount shall be invested in real estate except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used wholly, or in part, for the purposes of said company; and all income, if any, arising from such real estate shall be devoted exclusively to the interests of said company.

May hold thirty thousand dollars.

Proviso.

Income to be used for company.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1865.

AN ACT CONCERNING RAILROAD CORPORATIONS.

Chap. 175

Be it enacted, &c., as follows:

SECTION 1. No railroad corporation shall abandon any passenger station or depot which is on its road in this Commonwealth, and owned by said corporation, and which has now been or shall hereafter have been established for five years, except by the consent of the legislature; and the accommodation furnished by the stopping of trains at such stations shall not be substantially diminished, as compared with that furnished at other stations on the same road: *provided*, that any such corporation now existing shall not

Depot used five years not to be disused by corporation.

Proviso.

be required to furnish any greater accommodation at said stations than before the passage of this act.

Transient station
may be aban-
doned.

SECTION 2. Any such corporation having established a depot for use during a part of each year only, shall not by this act be prohibited from discontinuing the use of the same.

Upon informa-
tion of violation
attorney-general
may enjoin.

SECTION 3. In case of any violation of the provisions of this act, it shall be the duty of the attorney-general, at the relation of any ten legal voters of the town or city in which said station is located, to proceed in equity by information to enjoin said corporation from further violation of said provisions.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1865.

Chap. 176 AN ACT CONCERNING THE PITTSFIELD AND NEW HAVEN RAILROAD COMPANY.

Be it enacted, &c., as follows :

Capital estab-
lished.

SECTION 1. The capital stock of the Pittsfield and New Haven Railroad Company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each.

Act of '64 re-
pealed.

SECTION 2. The fourth section of the one hundred and thirty-second chapter of the acts of the year one thousand eight hundred and sixty-four is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1865.

Chap. 177 AN ACT FOR SUPPLYING THE TOWN OF FITCHBURG WITH PURE WATER.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Alvah Crocker, Charles Burleigh, James B. Lane, their associates and successors, are hereby made a corporation under the name of the Pearl Hill Water Company, for the purpose of furnishing the inhabitants of the town of Fitchburg with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which are or may be hereafter in force, so far as the same are applicable to this corporation.

Title.

Purpose.

Powers and
duties.

Corporation may
take and convey
certain waters for
purpose.

SECTION 2. Said corporation, for the purpose aforesaid, may take, hold and convey to, into and through said town, the waters of Pearl Hill Brook, so called, in the town of Fitchburg, and the waters which flow into and from the same, and may take and hold by purchase or otherwise, such land on and around the margin of said brook, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold, in like manner, such lands as may be necessary for erecting and

May take certain
lands.

maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said town. The said corporation shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Worcester, a description of the land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.

Description of lands to be filed in registry of deeds.

SECTION 3. The said corporation may build aqueducts, and maintain the same, by any works suitable therefor, may erect and maintain dams, may make reservoirs and hydrants, and may distribute the water throughout said town, by laying down pipes and may establish the rent therefor. Said corporation may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same, and may enter upon and dig up any road, under the direction of the selectmen of the town of Fitchburg, in such manner as to cause the least hindrance to the travel thereon.

May build aqueducts and dams, reservoirs and hydrants.

Lay pipes and establish rents.

Manner of laying pipes and drains.

SECTION 4. The said corporation shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person who shall sustain damage as aforesaid, cannot agree with said corporation upon the amount of said damages, he may have them assessed in the same manner as is provided by law, with respect to land taken for highways; and all damages for the taking of lands for the purposes aforesaid shall be paid by said corporation before entering upon such lands.

Liability to parties for damages sustained.

Upon disagreement, damages may be assessed under law.

SECTION 5. No application shall be made to the county commissioners for the assessment of damages for the taking of any water rights until the water is actually withdrawn or diverted by said corporation. Any person whose water-rights are thus taken or affected may apply as aforesaid, at any time within one year from the time when the water is first actually withdrawn or diverted.

Assessment of damages for water rights, when to be made.

SECTION 6. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars; and its whole capital stock shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

Corporation may hold estate.

Capital stock.

SECTION 7. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by the said corporation pursuant to the provisions of

Penalty for diversion and corruption of water or injury to works.

this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or other property, held, owned or used by the said corporation, for the purposes of this act, shall pay three times the amount of actual damages, to the said company, to be recovered in an action of tort; and every such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

Fitchburg may purchase property of company within one year.

Upon disagreement as to price S. J. Court may appoint commissioners to award.

Town may issue "water scrip" to defray cost of purchase.

Amount.

Interest.

Principal, when payable.

May sell or pledge scrip for money borrowed.

May appropriate and assess for payment of principal and interest.

Powers and duties of town in case of purchase.

SECTION 8. The town of Fitchburg may, at any time within one year from the passage of this act, purchase the corporate property, and all the rights and privileges of said corporation, at such price as may be agreed upon between the parties; and in case the said town shall by vote determine to purchase said property, rights and privileges, and the parties cannot agree upon the price to be paid therefor, the supreme judicial court may, upon application of either party, and notice to the other, appoint three commissioners who shall determine the price which the said town shall be required to pay for the same, and their award, when accepted by said court shall be final.

SECTION 9. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purposes aforesaid, the town of Fitchburg, through its treasurer, shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Fitchburg Water Scrip," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, which interest shall be payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively. Said treasurer, under the authority of said town, may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper. Said town is further authorized to make appropriations, and assess, from time to time, such amounts, not exceeding in one year the sum of ten thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereof, in the same manner as money is assessed and appropriated for other town purposes.

SECTION 10. In case the town of Fitchburg shall purchase the property, rights and privileges of the corporation estab-

lished by this act, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants and agents, as the selectmen shall from time to time, ordain, appoint and direct. And said town shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands, for the purposes of said aqueduct, which shall not have been previously paid by said corporation.

Liability for damages.

SECTION 11. This act shall take effect upon its passage.

Approved April 29, 1865.

AN ACT TO CONFIRM THE ELECTION OF TOWN OFFICERS AND OTHER DOINGS OF THE TOWN OF MELROSE.

Chap. 178

Be it enacted, &c., as follows :

SECTION 1. The election of town officers, and the several votes passed at the annual meeting of the inhabitants of the town of Melrose, holden on Monday, the twenty-seventh day of March, in the year one thousand eight hundred and sixty-five, are hereby ratified, confirmed and made valid, to the same extent as if said meeting had been legally called.

Election and votes in March '65 legalized.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1865.

AN ACT ALLOWING CERTAIN AMENDMENTS IN THE FORMS OF CIVIL ACTIONS.

Chap. 179

Be it enacted, &c., as follows :

SECTION 1. The superior court and the supreme judicial court may, in their discretion, and upon such terms as they may deem just, allow amendments changing a suit at law into a proceeding in equity, or a proceeding in equity into a suit at law, if the same be necessary to enable the plaintiff to sustain the action for the cause for which it was intended to be brought.

Courts may change suits at law to equity, and reverse.

SECTION 2. If any proceeding in equity shall be so changed by amendment into a suit at law, the supreme judicial court shall nevertheless retain jurisdiction thereof, whether or not it be a case of which they would have had original jurisdiction. If any suit at law shall be changed into a proceeding in equity, the same shall forthwith be removed by the plaintiff to the supreme judicial court.

S. J. Court to have jurisdiction.

SECTION 3. The supreme judicial court may, in case of such change, make any necessary orders as to further service, the joinder of new parties, or the pleadings.

May make necessary orders.

Approved April 29, 1865.

Chap. 180 AN ACT TO REPEAL CHAPTER TWO HUNDRED AND NINETY-TWO OF THE ACTS OF EIGHTEEN HUNDRED AND SIXTY-FOUR, RELATING TO THE PAYMENT OF BOUNTIES, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

SECTION 1. Chapter two hundred and ninety-two of the acts of the year eighteen hundred and sixty-four, entitled "An Act in further addition to an Act to provide for the Payment of Bounties to Volunteers, and for other purposes," is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1865.

Chap. 181 AN ACT TO ESTABLISH THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS IN THE COMMONWEALTH.

Be it enacted, &c., as follows:

Established as
basis of taxation
for decade ending
1875.

SECTION 1. The number of polls, the amount of property, and the tax of one thousand dollars, including polls at half a mill each, for each city and town in the several counties of the Commonwealth, as contained in the schedule hereto annexed, are hereby established and shall constitute a basis of apportionment for state and county taxes during the decade ending in the year eighteen hundred and seventy-five, unless otherwise provided by the legislature, to wit:

COUNTY OF SUFFOLK.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Boston, . . .	32,992	\$378,303,357 00	\$338 83
Chelsea, . . .	2,959	7,706,745 00	8 05
North Chelsea, . .	220	860,359 00	84
Winthrop, . . .	200	406,239 00	45
Totals, . . .	36,371	\$387,276,700 00	\$348 17

COUNTY OF ESSEX.

Amesbury, . . .	1,033	\$1,677,632 00	\$1 94
Andover, . . .	1,102	2,702,426 00	2 85
Beverly, . . .	1,619	3,359,216 00	3 67
Boxford, . . .	219	631,942 00	65
Bradford, . . .	404	832,083 00	91
Danvers, . . .	1,037	2,237,630 00	2 43
Essex, . . .	436	912,417 00	1 00
Georgetown, . . .	473	760,473 00	89
Gloucester, . . .	2,499	4,505,390 00	5 09
Groveland, . . .	407	666,119 00	77
Hamilton, . . .	177	481,423 00	50
Haverhill, . . .	2,623	4,488,107 00	5 13

County of Essex—Concluded.

T O W N S.	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Ipswich, . . .	681	\$1,556,491 00	\$1 67
Lawrence, . . .	3,692	11,240,191 00	11 42
Lynn, . . .	3,712	10,053,309 00	10 42
Lynnfield, . . .	203	604,617 00	62
Manchester, . . .	395	766,383 00	85
Marblehead, . . .	1,931	2,131,268 00	2 78
Methuen, . . .	643	1,292,951 00	1 42
Middleton, . . .	178	392,445 00	42
Nahant, . . .	76	517,194 00	48
Newbury, . . .	299	767,849 00	80
Newburyport, . . .	2,534	7,659,960 00	7 80
North Andover, . . .	635	1,830,829 00	1 88
Rockport, . . .	781	1,279,717 00	1 48
Rowley, . . .	273	511,171 00	58
Salem, . . .	4,354	16,192,359 00	15 97
Salisbury, . . .	804	1,680,089 00	1 83
Saugus, . . .	436	1,300,074 00	1 33
South Danvers, . . .	1,440	3,819,766 00	3 97
Swampscott, . . .	363	1,449,859 00	1 42
Topsfield, . . .	300	687,610 00	73
Wenham, . . .	205	463,558 00	50
West Newbury, . . .	503	940,919 00	1 05
Totals, . . .	36,467	\$90,393,467 00	\$95 25

COUNTY OF MIDDLESEX.

Acton, . . .	391	\$854,719 00	\$0 92
Ashby, . . .	300	508,393 00	58
Ashland, . . .	446	632,632 00	76
Bedford, . . .	196	489,123 00	52
Belmont, . . .	339	3,521,429 00	3 17
Billerica, . . .	402	1,086,563 00	1 13
Boxborough, . . .	119	238,592 00	26
Brighton, . . .	903	3,812,694 00	3 70
Burlington, . . .	171	408,136 00	43
Cambridge, . . .	6,294	25,897,971 00	25 21
Carlisle, . . .	150	354,122 00	38
Charlestown, . . .	5,780	18,292,544 00	18 48
Chelmsford, . . .	534	1,546,508 00	1 58
Concord, . . .	521	1,658,881 00	1 67
Dracut, . . .	500	1,109,304 00	1 20
Dunstable, . . .	139	391,146 00	40
Framingham, . . .	1,034	2,799,308 00	2 90
Groton, . . .	750	1,553,920 00	1 70
Holliston, . . .	827	1,502,682 00	1 69
Hopkinton, . . .	948	1,595,257 00	1 83
Lexington, . . .	554	1,747,459 00	1 77
Lincoln, . . .	204	606,833 00	62
Littleton, . . .	244	632,380 00	66

County of Middlesex—Concluded.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Lowell, . . .	5,736	\$20,980,041 00	\$20 74
Malden, . . .	1,644	4,040,431 00	4 26
Marlborough, . . .	1,815	2,530,622 00	3 06
Medford, . . .	1,268	5,491,054 00	5 31
Melrose, . . .	667	1,704,583 00	1 79
Natick, . . .	1,168	1,841,121 00	2 15
Newton, . . .	2,036	9,800,738 00	9 37
North Reading, . . .	291	577,389 00	64
Pepperell, . . .	440	924,405 00	1 01
Reading, . . .	589	1,293,056 00	1 40
Sherborn, . . .	269	869,539 00	88
Shirley, . . .	300	676,275 00	73
Somerville, . . .	1,843	5,683,244 00	5 76
South Reading, . . .	736	1,778,786 00	1 88
Stoneham, . . .	866	1,333,637 00	1 57
Stow, . . .	375	764,278 00	84
Sudbury, . . .	398	1,052,778 00	1 10
Tewksbury, . . .	281	747,624 00	78
Townsend, . . .	528	737,352 00	89
Tyngsborough, . . .	147	348,137 00	37
Waltham, . . .	1,391	5,532,109 00	5 43
Watertown, . . .	882	2,757,957 00	2 79
Wayland, . . .	269	658,073 00	70
West Cambridge, . . .	714	2,833,684 00	2 77
Westford, . . .	386	998,438 00	1 04
Weston, . . .	302	1,103,274 00	1 09
Wilmington, . . .	214	563,181 00	59
Winchester, . . .	446	1,455,772 00	1 46
Woburn, . . .	1,992	4,986,549 00	5 25
Totals, . . .	49,739	\$155,324,723 00	\$157 21

COUNTY OF WORCESTER.

Ashburnham, . . .	530	\$789,081 00	\$0 94
Athol, . . .	765	1,085,516 00	1 31
Auburn, . . .	211	503,928 00	54
Barre, . . .	725	1,797,762 00	1 89
Berlin, . . .	248	401,831 00	47
Blackstone, . . .	1,222	1,993,024 00	2 31
Bolton, . . .	370	636,514 00	73
Boylston, . . .	196	467,551 00	50
Brookfield, . . .	576	973,359 00	1 12
Charlton, . . .	461	909,729 00	1 01
Clinton, . . .	767	2,017,299 00	2 10
Dana, . . .	195	242,117 00	30
Douglas, . . .	541	871,651 00	1 01
Dudley, . . .	398	681,471 00	78
Fitchburg, . . .	1,931	4,240,252 00	4 58
Gardner, . . .	639	905,324 00	1 09

County of Worcester—Concluded.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Grafton, . . .	946	\$1,777,973 00	\$1 99
Hardwick, . . .	427	1,099,438 00	1 15
Harvard, . . .	384	932,514 00	99
Holden, . . .	430	853,695 00	94
Hubbardston, . . .	364	741,433 00	81
Lancaster, . . .	378	1,004,802 00	1 05
Leicester, . . .	645	1,615,868 00	1 70
Leominster, . . .	852	1,933,122 00	2 07
Lunenburg, . . .	289	731,560 00	77
Mendon, . . .	302	668,709 00	72
Milford, . . .	2,528	3,275,231 00	4 06
Millbury, . . .	800	1,392,456 00	1 59
New Braintree, . . .	168	553,719 00	57
North Brookfield, . . .	601	1,034,978 00	1 18
Northborough, . . .	335	898,385 00	93
Northbridge, . . .	621	1,104,648 00	1 25
Oakham, . . .	228	318,003 00	38
Oxford, . . .	643	1,137,476 00	1 29
Paxton, . . .	172	297,237 00	34
Petersham, . . .	376	651,779 00	75
Phillipston, . . .	180	320,834 00	36
Princeton, . . .	317	778,666 00	82
Royalston, . . .	336	711,872 00	78
Rutland, . . .	263	523,646 00	58
Shrewsbury, . . .	421	1,026,968 00	1 08
Southborough, . . .	425	957,409 00	1 03
Southbridge, . . .	887	1,696,264 00	1 89
Spencer, . . .	819	1,363,465 00	1 57
Sterling, . . .	417	1,086,710 00	1 13
Sturbridge, . . .	493	864,875 00	98
Sutton, . . .	537	1,141,588 00	1 24
Templeton, . . .	651	979,116 00	1 16
Upton, . . .	489	736,082 00	87
Uxbridge, . . .	664	1,624,174 00	1 72
Warren, . . .	577	985,109 00	1 13
Webster, . . .	716	1,060,039 00	1 26
West Boylston, . . .	501	860,922 00	98
West Brookfield, . . .	389	679,389 00	77
Westborough, . . .	743	1,337,740 00	1 51
Westminster, . . .	403	721,267 00	81
Winchendon, . . .	805	1,160,952 00	1 39
Worcester, . . .	7,287	19,701,244 00	20 43
Totals, . . .	39,584	\$80,857,766 00	\$88 70

COUNTY OF HAMPSHIRE.

Amherst, . . .	730	\$1,860,457 00	\$1 95
Belchertown, . . .	647	1,108,591 00	1 27
Chesterfield, . . .	218	372,790 00	43

County of Hampshire—Concluded.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Cummington, . . .	235	\$342,842 00	\$0 41
Easthampton, . . .	499	1,700,599 00	1 70
Enfield, . . .	240	610,644 00	64
Goshen, . . .	97	152,796 00	18
Granby, . . .	233	470,125 00	52
Greenwich, . . .	162	261,416 00	30
Hadley, . . .	535	1,279,320 00	1 36
Hatfield, . . .	379	1,442,691 00	1 42
Huntington, . . .	263	409,395 00	48
Middlefield, . . .	177	351,881 00	39
Northampton, . . .	1,689	4,789,965 00	4 92
Pelham, . . .	168	197,457 00	25
Plainfield, . . .	171	239,097 00	29
Prescott, . . .	149	221,712 00	26
South Hadley, . . .	502	1,103,491 00	1 19
Southampton, . . .	258	502,448 00	56
Ware, . . .	729	1,306,545 00	1 48
Westhampton, . . .	135	291,384 00	31
Williamsburg, . . .	481	1,085,693 00	1 17
Worthington, . . .	230	409,655 00	46
Totals, . . .	8,927	\$20,510,994 00	\$21 94

COUNTY OF HAMPDEN.

Agawam, . . .	409	\$816,850 00	\$0 90
Blandford, . . .	304	529,150 00	60
Brimfield, . . .	321	719,750 00	77
Chester, . . .	305	445,900 00	54
Chicopee, . . .	1,767	3,128,250 00	3 56
Granville, . . .	344	516,277 00	61
Holland, . . .	83	131,000 00	15
Holyoke, . . .	1,145	2,579,250 00	2 77
Longmeadow, . . .	349	1,016,500 00	1 05
Ludlow, . . .	261	455,050 00	52
Monson, . . .	620	1,316,700 00	1 43
Montgomery, . . .	92	158,850 00	18
Palmer, . . .	709	1,254,000 00	1 43
Russell, . . .	141	212,800 00	25
Southwick, . . .	305	604,200 00	66
Springfield, . . .	5,694	13,379,212 00	14 25
Tolland, . . .	135	298,588 00	32
Wales, . . .	156	254,600 00	29
Westfield, . . .	1,517	3,244,600 00	3 52
West Springfield, . . .	516	1,319,550 00	1 38
Wilbraham, . . .	479	872,100 00	98
Totals, . . .	15,652	\$33,253,177 00	\$36 16

COUNTY OF FRANKLIN.

T O W N S .	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Ashfield, . . .	330	\$611,869 00	\$0 68
Bernardston, . . .	217	484,893 00	52
Buckland, . . .	439	526,468 00	67
Charlemont, . . .	231	367,216 00	43
Colrain, . . .	354	637,954 00	72
Conway, . . .	389	703,919 00	80
Deerfield, . . .	692	1,215,423 00	1 38
Erving, . . .	127	173,229 00	21
Gill, . . .	166	390,569 00	42
Greenfield, . . .	767	1,899,806 00	2 00
Hawley, . . .	281	182,638 00	30
Heath, . . .	140	232,551 00	27
Leverett, . . .	193	284,644 00	34
Leyden, . . .	123	278,647 00	30
Mouroe, . . .	55	79,375 00	10
Montague, . . .	352	606,737 00	70
New Salem, . . .	253	336,476 00	42
Northfield, . . .	412	712,054 00	81
Orange, . . .	513	599,243 00	77
Rowe, . . .	127	180,425 00	21
Shelburne, . . .	388	822,620 00	89
Shutesbury, . . .	160	219,250 00	27
Sunderland, . . .	216	413,827 00	46
Warwick, . . .	256	220,658 00	32
Wendell, . . .	151	201,657 00	24
Whately, . . .	311	665,972 00	72
Totals, . . .	7,648	\$13,048,120 00	\$14 95

COUNTY OF BERKSHIRE.

Adams, . . .	1,602	\$3,350,551 00	\$3 66
Alford, . . .	116	340,490 00	35
Becket, . . .	323	478,120 00	57
Cheshire, . . .	398	675,997 00	78
Clarksburg, . . .	93	133,234 00	16
Dalton, . . .	232	988,160 00	96
Egremont, . . .	233	587,619 00	61
Florida, . . .	298	152,523 00	28
Great Barrington, . . .	912	2,177,071 00	2 31
Hancock, . . .	164	490,299 00	50
Hinsdale, . . .	358	801,755 00	86
Lanesborough, . . .	299	661,048 00	71
Lee, . . .	811	1,682,411 00	1 84
Lenox, . . .	386	827,539 00	90
Monterey, . . .	176	292,117 00	34
Mount Washington, . . .	54	87,676 00	10
New Ashford, . . .	47	108,662 00	11
New Marlborough, . . .	378	610,727 00	71
Otis, . . .	263	311,595 00	40

County of Berkshire—Concluded.

T O W N S .	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Peru, . . .	118	\$214,930 00	\$0 24
Pittsfield, . . .	2,098	6,378,878 00	6 48
Richmond, . . .	231	502,277 00	55
Sandisfield, . . .	362	612,943 00	69
Savoy, . . .	210	273,400 00	34
Sheffield, . . .	557	1,206,820 00	1 31
Stockbridge, . . .	403	1,323,883 00	1 33
Tyringham, . . .	154	299,594 00	33
Washington, . . .	162	289,398 00	33
West Stockbridge, . . .	395	613,816 00	72
Williamstown, . . .	535	1,160,587 00	1 26
Windsor, . . .	173	303,324 00	35
Totals, . . .	12,541	\$27,937,444 00	\$30 08

COUNTY OF NORFOLK.

Bellingham, . . .	292	\$463,951 00	\$0 54
Braintree, . . .	888	1,582,530 00	1 79
Brookline, . . .	1,058	12,107,550 00	10 85
Canton, . . .	788	2,211,313 00	2 28
Cohasset, . . .	506	1,174,953 00	1 25
Dedham, . . .	1,650	4,857,587 00	4 96
Dorchester, . . .	2,547	12,521,038 00	11 94
Dover, . . .	155	358,774 00	38
Foxborough, . . .	658	1,284,524 00	1 42
Franklin, . . .	538	1,046,874 00	1 16
Medfield, . . .	266	613,155 00	66
Medway, . . .	727	1,251,393 00	1 43
Milton, . . .	633	4,271,263 00	3 96
Needham, . . .	662	1,798,498 00	1 86
Quincy, . . .	1,411	3,833,508 00	3 97
Randolph, . . .	1,326	2,925,254 00	3 16
Roxbury, . . .	4,916	23,808,776 00	22 74
Sharon, . . .	354	723,752 00	79
Stoughton, . . .	1,072	1,742,453 00	2 02
Walpole, . . .	502	1,132,102 00	1 22
West Roxbury, . . .	1,454	10,631,146 00	9 79
Weymouth, . . .	2,200	3,345,349 00	3 95
Wrentham, . . .	667	1,412,051 00	1 54
Totals, . . .	25,270	\$95,097,794 00	\$93 66

COUNTY OF BRISTOL.

Acushnet, . . .	287	\$656,500 00	\$0 70
Attleborough, . . .	1,334	2,201,660 00	2 54
Berkley, . . .	207	316,002 00	37
Dartmouth, . . .	817	2,432,270 00	2 48
Dighton, . . .	474	776,779 00	90

County of Bristol—Concluded.

T O W N S .	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Easton, . . .	795	\$1,930,900 00	\$2 04
Fairhaven, . . .	650	1,778,217 00	1 84
Fall River, . . .	4,312	12,632,419 00	12 92
Freetown, . . .	338	706,117 00	77
Mansfield, . . .	522	750,442 00	90
New Bedford, . . .	4,572	20,525,790 00	19 77
Norton, . . .	435	842,527 00	94
Raynham, . . .	402	1,115,026 00	1 15
Rehoboth, . . .	416	764,906 00	86
Seekonk, . . .	233	496,844 00	54
Somerset, . . .	469	865,618 00	97
Swansey, . . .	343	755,680 00	82
Taunton, . . .	3,288	8,463,074 00	8 85
Westport, . . .	696	1,453,897 00	1 59
Totals, . . .	20,590	\$59,464,668 00	\$60 95

COUNTY OF PLYMOUTH.

Abington, . . .	2,205	\$3,059,801 00	\$3 71
Bridgewater, . . .	973	1,992,756 00	2 18
Carver, . . .	273	459,583 00	53
Duxbury, . . .	639	1,006,782 00	1 18
East Bridgewater, . . .	900	1,136,937 00	1 42
Halifax, . . .	199	354,039 00	40
Hanover, . . .	390	747,591 00	83
Hanson, . . .	305	458,168 00	54
Hingham, . . .	995	2,391,437 00	2 53
Hull, . . .	67	150,864 00	16
Kingston, . . .	421	1,334,298 00	1 34
Lakeville, . . .	319	571,124 00	64
Marion, . . .	240	459,009 00	51
Marshfield, . . .	431	853,777 00	94
Mattapoisett, . . .	381	540,118 00	65
Middleborough, . . .	1,239	2,132,878 00	2 44
North Bridgewater, . . .	1,652	2,209,339 00	2 71
Pembroke, . . .	378	575,993 00	68
Plymouth, . . .	1,459	3,145,119 00	3 41
Plympton, . . .	209	304,305 00	36
Rochester, . . .	321	547,181 00	63
Scituate, . . .	594	852,105 00	1 03
South Scituate, . . .	379	840,924 00	91
Wareham, . . .	676	882,580 00	1 09
West Bridgewater, . . .	430	945,350 00	1 02
Totals, . . .	16,075	\$27,932,058 00	\$31 84

COUNTY OF BARNSTABLE.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at half a mill each.
Barnstable, . . .	1,102	\$2,265,407 00	\$2 48
Brewster, . . .	314	801,452 00	84
Chatham, . . .	665	1,100,543 00	1 27
Dennis, . . .	742	1,181,339 00	1 38
Eastham, . . .	207	219,948 00	29
Falmouth, . . .	647	1,375,661 00	1 50
Harwich, . . .	815	1,025,217 00	1 28
Orleans, . . .	451	558,858 00	70
Provincetown, . .	785	1,576,145 00	1 74
Sandwich, . . .	858	1,669,105 00	1 85
Truro, . . .	423	361,717 00	52
Wellfleet, . . .	566	700,165 00	88
Yarmouth, . . .	595	1,440,641 00	1 52
Totals, . . .	8,170	\$14,276,198 00	\$16 25

COUNTY OF DUKES.

Chilmark, . . .	154	\$350,801 00	\$0 38
Edgartown, . . .	497	1,035,467 00	1 13
Gosnold, . . .	19	112,993 00	11
Tisbury, . . .	430	684,714 00	79
Totals, . . .	1,100	\$2,183,975 00	\$2 41

COUNTY OF NANTUCKET.

Nantucket, . . .	1,180	\$2,152,568 00	\$2 43
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SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1865.

Chap. 182

AN ACT CONCERNING THE ELECTION OF TOWN OFFICERS.

Be it enacted, §c., as follows:

Elections in 1865 without use of check list, legalized.

SECTION 1. The election of moderator and town officers heretofore made at the town meetings in the several towns in the Commonwealth, in the year eighteen hundred and sixty-five, so far as the same may appear illegal, for the reason that the check list was not used in the said elections, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1865.

AN ACT TO REGULATE THE HERRING OR ALEWIFE FISHERY IN
 BARLOW'S POND AND THE WATERS CONNECTED THEREWITH, IN
 MATTAPOISETT. Chap. 183

Be it enacted, &c., as follows:

SECTION 1. The town of Mattapoisett is hereby authorized to make the necessary improvements for the preservation and taking of herrings or alewives in Barlow's pond, and the waters connected therewith, and the outlet therefrom to the sea, and to do all acts necessary for the purpose of protecting and regulating a herring or alewife fishery in said waters. Town may make improvements and do acts for protection and regulation of fishery.

SECTION 2. The inhabitants of said town may, at any legal meeting called for that purpose, make such by-laws, with penalties for violation of the same, and such rules and regulations as they may deem proper for the preservation and protection of said fishery, and for the taking and disposal of said fish: *provided*, such by-laws are not inconsistent with the laws of this Commonwealth. May establish by-laws, regulations and penalties. Proviso.

SECTION 3. The selectmen shall annually post up the regulations so established, in two or more public places in said town, within ten days after their passage. Regulations to be posted.

SECTION 4. If any person shall take any of said fish in any of the waters aforesaid at a time or in a manner other than shall be allowed by said town, such person shall, for each offence, on conviction thereof, pay a fine not exceeding twenty dollars. Penalty for violation.

SECTION 5. The said town of Mattapoisett shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any lands, or by the construction of any dams, sluiceways or other works, or by flowage, for the purpose of carrying into effect this act; and if any person sustaining damage as aforesaid, shall not agree with the selectmen of the town upon the damage to be paid therefor, the superior court holden within and for the county of Plymouth shall, upon the petition of such person, appoint three competent and disinterested persons to hear and award thereon; and their award, or that of any two of them, being accepted by said court, shall be final: *provided*, that said petition shall be filed in the office of the clerk of said court, within three years after such damage shall have been sustained, and not afterwards. Such person, if he shall so elect, may have his damages assessed and paid in the manner provided by law with respect to land taken for highways. Town liable for damages in constructing works, &c.
Upon disagreement as to damages superior court, on petition, to appoint commissioners.
Award accepted by court to be final.
Proviso.
Damages may be assessed under law.

SECTION 6. If at any time it shall be apparent that the establishment of the herring fishery herein provided for shall have sensibly diminished the catch of herrings at the weirs Indemnity to owners if catch of herrings diminish.

upon Hammond's river, in said Mattapoisett and in Rochester, then such equitable indemnity shall be rendered to the owners of said Hammond's river fishery, in fish or otherwise, as the legislature shall determine.

SECTION 7. This act shall take effect upon its passage.

Approved May 1, 1865.

Chap. 184 AN ACT CONCERNING THE LYNN AND BOSTON RAILROAD COMPANY.

Be it enacted, &c., as follows :

May increase capital \$100,000.

Proviso.

May construct within one year upon location defined.

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding one hundred thousand dollars : *provided, however,* that until said company shall have constructed and put its railway in operation, from its present terminus, in the city of Lynn, to the junction of Humphrey and Orient Streets, in the town of Swampscott, no more of said increased capital stock shall be issued or used than shall be necessary so to construct and put in operation said railway. And said company is hereby authorized to construct its said railway within one year from the passage of this act, either upon its present location in said Lynn and Swampscott, or upon the new highway from Lewis Street in Lynn to Burrill Street in Swampscott, and thence upon Burrill Street to Humphrey Street, and thence upon Humphrey Street to Orient Street.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1865.

Chap. 185 AN ACT RELATING TO BANKS SURRENDERING THEIR CHARTERS AND BECOMING BANKING ASSOCIATIONS UNDER THE LAWS OF THE UNITED STATES.

Be it enacted, &c., as follows :

Bank commissioners may authorize re-issue of circulation for one year.

SECTION 1. Section one of chapter one hundred and ninety of the acts of the year eighteen hundred and sixty-four, is hereby so amended that the bank commissioners may, at the time of making the certificate therein mentioned, or afterwards, authorize any bank which shall have become a national association for banking, to re-issue and continue in circulation its outstanding bills, for a period not exceeding one year after the date of such certificate, and not subsequent to the receipt and issue of the circulating notes of the United States.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1865.

AN ACT IN RELATION TO THE ADJUSTMENT OF CONTROVERSIES AS TO THE ESTATE OF DECEASED PERSONS. *Chap. 186*

Be it enacted, &c., as follows:

SECTION 1. When a minor or person under guardianship claiming an interest in the estate of a deceased person is a necessary party to an arbitration or compromise authorized by the provisions of chapter one hundred and seventy-three of the acts of the year eighteen hundred and sixty-four, he shall be represented in the proceedings by his guardian, or by a guardian *ad litem*, appointed by the court, who shall in the name and in behalf of the party he represents, make and receive all proper conveyances and payments necessary to carry into effect any award or compromise that is sanctioned by the court.

Guardian to represent minor or ward in arbitration or compromise.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1865.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE AMERICAN STEAM-SHIP COMPANY. *Chap. 187*

Be it enacted, &c., as follows:

The periods of time allowed to the American Steam-ship Company, for the performance of the acts required of said company by the fourth section of the one hundred and twelfth chapter of the acts of the year eighteen hundred and sixty-three, are hereby severally extended one year beyond the time now allowed by law.

Time extended for performance under § 4, ch. 112, Acts '63.

Approved May 3, 1865.

AN ACT TO INCORPORATE THE MARTHA'S VINEYARD STEAMBOAT COMPANY. *Chap. 188*

Be it enacted, &c., as follows:

SECTION 1. Thomas Bradley, Ira Darrow, Henry L. Whiting, and their associates, are hereby made a corporation by the name of the Martha's Vineyard Steamboat Company, for the purpose of running steamboats and sailing vessels for the convenience of public travel, excursions and the transportation of merchandise, between Edgartown, Holmes' Hole, Wood's Hole and New Bedford, and for the towing of ships and vessels; with all the rights and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or may hereafter be in force, and applicable to such corporations.

Corporators.

Title.

Purpose.

Powers and duties.

SECTION 2. Said corporation may hold such real and personal estate as may be necessary for the purpose aforesaid; but the capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each.

May hold estate.

Capital.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1865.

Chap. 189 AN ACT TO INCORPORATE THE CAPE COD FOUNDRY COMPANY.*Be it enacted, &c., as follows:*

Corporators.	SECTION 1. Owen Bearse, Cyrus F. Bullock, N. Oscar Bond, their associates and successors, are hereby made a corporation by the name of the Cape Cod Foundry Company, for the purpose of casting and manufacturing stoves and other work pertaining to iron, and holding patents for stoves, and designs for stoves, and dealing therewith, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.
Title.	
Purpose.	
Powers and duties.	
Location.	SECTION 2. The said corporation shall have its place of business and its manufactory in the village of Hyannis in the town of Barnstable, and for this purpose may hold real estate not exceeding in amount ten thousand dollars; and the capital stock of said corporation shall not exceed twenty-five thousand dollars, and shall be divided into shares of one hundred dollars each: <i>provided, however</i> , that said corporation shall not go into operation until the sum of ten thousand dollars of its capital stock has been paid in.
Real estate.	
Capital stock.	
Proviso: shall not begin business till \$10,000 capital is paid.	

SECTION 3. This act shall take effect upon its passage.

*Approved May 3, 1865.***Chap. 190** AN ACT FOR SUPPLYING THE TOWN OF ADAMS WITH PURE WATER.*Be it enacted, &c., as follows:*

North Adams fire district may convey certain waters into village.	SECTION 1. The North Adams fire district is hereby authorized, by and through the agency of three commissioners to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the village of North Adams, the water of any spring or springs, or of any natural pond or ponds, brook or brooks within said town of Adams, north of the old military line in said town; and said district may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and for forming reservoirs; and may take and hold any land in or around any such pond, spring or brook, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of water for the village of North Adams, and for public purposes.
May hold necessary estate.	
May build aqueducts, dams, &c., establish hydrants, and distribute and regulate use of water.	SECTION 2. The said fire district may, by and through the same agency, make and build one or more permanent aqueducts from any of the sources before mentioned into and through said village, and have and maintain the same by any works suitable therefor; may erect and maintain

dams to raise and retain the waters therein ; may make and establish public hydrants in such places as may be from time to time deemed proper, and prescribe the purposes for which they may be used, and may change and discontinue the same ; may distribute the water throughout the village ; may regulate the use of said water and establish the rents to be paid therefor. And said fire district may, for the purposes aforesaid, carry and conduct any aqueducts or other works by them to be made and constructed, over and under any water-course, street, turnpike, railroad, highway or other way, in such manner as not to obstruct or impede travel thereon, and may do any other things necessary and proper to repair the same, and in execution of the purposes of this act.

May carry works over or under water-course and ways, &c.

SECTION 3. Three commissioners shall be chosen by the said fire district by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections, that are not specially otherwise provided for in this act ; and they shall be subject to such rules and regulations, in the execution of their said trust, as the said district may, from time to time, ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth. They shall respectively hold their said offices for the term of three years next after their appointment, unless the works aforesaid shall sooner be completed ; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a vote of two-thirds of the voters present at any legal meeting of the district ; and in case of a vacancy in the board, such vacancy may be filled by the appointment of another commissioner, in manner aforesaid, who shall hold his office for the residue of the three years. A major part of said commissioners shall be a quorum to do business ; they shall once a year, and whenever required by a vote of the said district, make and present in writing a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid.

Shall choose commissioners to superintend works.

Establish rules and regulations.

Term of office of commissioners.

Removal.

Vacancies in board.

Quorum.

Annual report.

SECTION 4. Before the appointment of the commissioners aforesaid, the said district shall establish the salaries and compensation to be paid said commissioners, and such salaries or compensation shall not be altered during their continuance in said office.

Compensation.

SECTION 5. Whenever the office of said commissioners shall cease, either by expiration of their term of office or the completion of the works, all the rights, powers and

Commission terminating, powers revert to district.

authority given to the said fire district by this act, shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said district shall, from time to time, ordain and direct.

Liability of fire district for damages.

County commissioners may assess, in case of disagreement, or appoint jury.

Party aggrieved may have jury.

Town of Adams may issue "water scrip."

Amount.

Interest.

Payable in twenty years.

Issue of scrip.

Disposal.

Assessments for payment of scrip.

SECTION 6. The said district shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land, water or water rights, or by constructing any aqueducts, reservoirs or other works, for the purposes specified in this act; and if any person who shall sustain damage as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed by the county commissioners for the county of Berkshire, by making a written application therefor, within two years after the said water or water rights shall have been taken, or after the said aqueducts, reservoirs or other works have been constructed under this act. A party aggrieved by the doings of said commissioners in the estimation of said damages, may, on application in writing to the commissioners, have a jury to determine the matter of his complaint, and thereupon the same proceedings shall be had as is provided in chapter forty-three of the General Statutes in regard to highways.

SECTION 7. For the purpose of paying all costs and expenses of such estates, water and water rights as shall be taken, purchased or held, for the purposes of this act, and for the construction of all works necessary for the accomplishment of the purposes aforesaid, and all expenses incident thereto, the town of Adams shall have authority to issue from time to time, notes, certificates or scrip, to be denominated "Adams Water Scrip," to an amount not to exceed, in the whole, fifty thousand dollars, bearing interest at a rate not exceeding six per cent. per annum; and said interest shall be payable semi-annually, and the principal shall be made payable at periods not more than twenty years from the date of issue.

All such notes, certificates or scrip shall be signed by the treasurer of the town, and countersigned by the chairman of the selectmen; and a record thereof shall be made and kept by said treasurer. And said fire district may, from time to time, sell the same or any part thereof, at public or private sale, or pledge the same for borrowed money for the purposes aforesaid.

SECTION 8. The town of Adams is hereby fully authorized to assess and collect upon the polls and estates, real and personal, in said fire district, all taxes necessary to pay the

principal and interest of the scrip that shall be sold or pledged by said district as aforesaid.

SECTION 9. If any person shall use any of said water without the consent of the said district, an action of tort may be maintained by said district against him for damages therefor; and if any person shall wantonly or maliciously divert the water or any part thereof, of either of the ponds, brooks, streams or water-courses which shall be taken by the said district pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, hydrant or other property held or owned by the said district, by the authority and for the purposes of this act, every such person shall forfeit and pay to said district three times the amount of the damages that shall be assessed therefor, to be recovered in any proper action. And, moreover, any such person may, upon conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding three hundred dollars, and imprisonment not exceeding one year.

Unauthorized
use of water.

Penalty for wantonly diverting or corrupting waters or injuring works.

SECTION 10. There shall be a legal meeting of the voters of the said fire district called within four years after the passage of this act, for the purpose of having the said voters give in their written votes on the question whether they will accept this act, and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Adams shall warn a meeting of the voters of said town within three months thereafter, for the purpose of having said voters give in their votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question aforesaid shall be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Acceptance of
Act by legal voters;
manner of proceeding.

Conditions of
validity.

SECTION 11. This act shall take effect upon its passage.

Approved May 3, 1865.

AN ACT RELATING TO THE SALE AND WEIGHING OF COAL.

Chap. 191

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen or selectmen of every place where anthracite, bituminous or mineral coal is sold, shall appoint one or more suitable persons to be weighers of such coal, who shall be sworn, and be removable at the pleasure of the board appointing them, and shall receive such fees as may be established by the board, which shall be paid by the seller.

Weighers to be
appointed in
cities and towns.

Fees.

SECTION 2. On or before the delivery of any such coal to a purchaser, the seller shall cause the same to be weighed by a sworn weigher of the place at which the same is sold or

Coal to be
weighed by
sworn officer and
record kept.

delivered, who shall keep a record thereof, for the use of both parties.

Buyer may have certificate of weigher, upon request.

SECTION 3. Whenever the buyer of any such coal shall so request, at the time of making the purchase, the seller shall cause the same to be weighed by a sworn weigher, not the seller nor in his employ, and a certificate of the weight thereof, signed by the weigher, shall be delivered to the buyer or his agent at the time of the delivery of the coal.

Penalty for violation.

SECTION 4. Whoever violates any provision of the two preceding sections, shall, for each offence, forfeit thirty dollars.

May be mutually waived.

SECTION 5. The provisions of this act shall not apply whenever the buyer and seller mutually agree to waive the same previous to the delivery of such coal.

Fraud to defeat action for price.

SECTION 6. Any fraud or deceit in the weight of coal, on the part of the seller or of those employed by him to sell, weigh or deliver the same, shall defeat any action for the price thereof.

Repeal.

SECTION 7. Sections one hundred and eighty-eight and one hundred and eighty-nine of chapter forty-nine of the General Statutes are hereby repealed.

Approved May 4, 1865.

Chap. 192

AN ACT CONCERNING THE GRANITE BRIDGE CORPORATION.

Be it enacted, &c., as follows :

County commissioners may lay out, as highway.

SECTION 1. The county commissioners for the county of Norfolk may, with the assent of the Granite Bridge Corporation, lay out the turnpike, ways, bridge and draw belonging to said corporation, as a common highway in accordance with the provisions of this act, and have and exercise the same powers relating thereto as are now had and exercised by them in the laying out of turnpikes as common highways; excepting that in the allowance and payment of damages under the provisions of the fifteenth section of the sixty-second chapter of the General Statutes, so much of said section as requires the towns through which said ways pass to refund the same, shall not apply.

Allowance for damages, G. S. how to apply.

Reconstruction of bridge by commissioners.

SECTION 2. In case said commissioners shall proceed under section first to lay out said turnpike, bridge and draw as a common highway, they shall cause said bridge to be put in substantial repair, and so far reconstruct the same that it shall be safe and convenient for travel, preserving in the place where now located a draw and passage-way for vessels of at least the width now required by law; and said commissioners from the time said turnpike, bridge and draw are laid out and established as a common highway until they shall have

Shall provide draw-tenders until completed.

given the notice hereinafter provided, shall provide draw-tenders for said draw, and other necessary agents, and be subject to the duties and liabilities imposed on said corporation by the third section of chapter one hundred and fifty-four of the acts of the year eighteen hundred and thirty-seven; and the expenses and liabilities incurred under this section shall be paid from the county treasury.

SECTION 3. Upon due notice given by said commissioners to the clerk of the towns in which said bridge lies, that said bridge has been reconstructed and is in substantial repair so that the same is safe and convenient for travel, such towns shall each thenceforth be responsible for the care, maintenance and repair of the portion of said bridge lying on its own side of the same and extending to the centre of the draw, and they shall at their joint expense provide draw-tenders for said draw, and other necessary agents; and said towns shall be jointly liable to raise the draw and afford all necessary and proper accommodation to vessels having occasion to pass the same by day or by night; and shall keep a sufficient light for vessels at said draw; and if any vessels shall be unreasonably delayed or hindered in passing said draw by the negligence of said towns or their agents in discharging the duties enjoined by this act, the owners or masters of such vessels may receive reasonable damages therefor of said towns in an action of tort before any court proper to try the same.

SECTION 4. This act shall take effect upon its passage.

Approved May 4, 1865.

AN ACT CONCERNING THE PUBLICATION OF THE GENERAL LAWS AND
OTHER OFFICIAL INFORMATION.

Chap. 193

Be it enacted, &c., as follows:

SECTION 1. The fourth section of chapter three of the General Statutes is hereby so amended, that the annual expense of publishing the General Laws and other official information shall not exceed five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

AN ACT CONCERNING THE ADULTERATION OF MILK.

Chap. 194

Be it enacted, &c., as follows:

Whoever with intent to defraud adulterates by water or otherwise, milk to be delivered for manufacture into butter or cheese, shall forfeit twenty dollars for each offence.

Approved May 5, 1865.

Chap. 195 AN ACT TO AUTHORIZE THE TOWN OF AMHERST TO RAISE FIFTY THOUSAND DOLLARS FOR THE AGRICULTURAL COLLEGE.

Be it enacted, §c., as follows :

May issue bonds or raise by loan or tax.

SECTION 1. The town of Amherst is hereby authorized to raise, by issuing its bonds, or by loan or tax, the sum of fifty thousand dollars, to be appropriated and paid to the Massachusetts Agricultural College, out of the treasury of the town, and applied in the erection of suitable buildings upon the farm of said college in said town: *provided*, that at a legal town meeting, called for that purpose, two-thirds of the voters present and voting thereon shall vote to raise said amount for said object.

Proviso: vote of citizens required.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

Chap. 196 AN ACT CONCERNING THE OVERSEERS OF THE POOR IN THE CITY OF WORCESTER.

Be it enacted, §c., as follows :

Board to consist of nine residents, with *ex officio*.

SECTION 1. The board of overseers of the poor in the city of Worcester shall consist of nine members, residents of said city. The mayor, superintendent of public schools, and the city marshal, shall be *ex officio* members of the board. The mayor shall be *ex officio* president of the board.

City council to elect six in Dec. '65.

SECTION 2. The city council shall, in the month of December next, elect, by concurrent ballot, six persons to be members of said board of overseers, to hold their offices for the terms hereinafter stated, and until others are elected and qualified in their places, to wit: two members for the term of one year, two for the term of two years, and two for the term of three years, from the third Monday of January, in the year one thousand eight hundred and sixty-six; and in the month of December of each year, after said first election, two persons shall be elected, as aforesaid, to be members of said board for the term of three years, and until others shall be elected and qualified in their places. But no more than one of the six members, so to be elected, shall be eligible from any one ward of said city.

Tenures defined.

Annually in Dec. to elect two.

Eligibility for re-election.

Vacancies, council may fill by concurrent vote.

Vacancies occurring in the board may be filled, by concurrent ballot of the city council, at any time, the member so elected to hold office for only the unexpired term of the member who has ceased to hold office. The city council shall also have power, at any time, for cause, to remove either of said overseers from office.

May remove for cause.

Organization of board.

SECTION 3. The persons so first elected shall meet and be organized on the third Monday of January after their election; and thereafterwards the board shall be organized annually on the third Monday of January.

SECTION 4. Said overseers shall perform the duties of the overseers of the poor, of the directors of the almshouse and of the truant commissioners in the city of Worcester, as required by the statutes of the Commonwealth, and subject to the ordinances of the city of Worcester, and there shall be elected no other officers for the performance of said duties in said city.

Duties and powers of overseers defined.

SECTION 5. The present board of overseers of the poor for the city of Worcester shall continue to hold their offices until the organization of the board elected as above, and no longer.

Present board to hold until organization of new.

SECTION 6. This act shall be submitted to a vote of the people of the city of Worcester, at the annual election to be held in the month of November next, in such manner as the mayor and aldermen shall prescribe, and shall be void unless accepted by the people upon such vote. And it shall be the duty of the mayor and of the clerk of said city, to return to the secretary of the Commonwealth a certificate, signed by them, of the result of such vote.

Act to be submitted to people.

Void unless accepted. Mayor and clerk to certify secretary Commonwealth.

Approved May 5, 1865.

AN ACT CONCERNING DOGS.

Chap. 197

Be it enacted, &c., as follows :

SECTION 1. Every owner or keeper of a dog shall, on or before the thirtieth day of April in each year, cause it to be registered, numbered, described and licensed for one year from the first day of the ensuing May, in the office of the clerk of the city or town wherein said dog is kept, and shall cause it to wear around its neck a collar, distinctly marked with its owner's name and its registered number, and shall pay for such license, for a male dog two dollars, and for a female dog five dollars.

License from first May to be had and collar worn.

Fees for record and issue.

SECTION 2. The clerks of cities and towns shall issue said licenses, and receive the money therefor, and pay the same into the treasuries of their respective counties, except in the county of Suffolk, on or before the first day of December of each year, retaining to their own use twenty cents for each license.

Municipal clerks, duties and compensation.

SECTION 3. All moneys which may have been received by towns under the provisions of chapter eighty-eight of the General Statutes, for the licensing of dogs, and not otherwise expended, shall be applied to the payment of ordinary town expenses.

Present fees, balance to be for town expenses

SECTION 4. Any person owning or keeping a licensed dog, who may have received a notice in accordance with section sixty-one of chapter eighty-eight of the General Statutes, that said dog is mischievous and dangerous, and who does not

Penalty, after notice under G. S., for liberty of licensed dog.

kill it, or keep it thereafter from ever going at large, shall, on complaint, forfeit ten dollars; and any person may kill said dog when going at large, as if the same were not licensed.

Approved May 5, 1865.

Chap. 198 AN ACT FOR SUPPLYING THE TOWN OF GREAT BARRINGTON WITH PURE WATER.

Be it enacted, &c., as follows :

Fire district, under commissioners, may take water of East Mountain Brook, and rights pertaining.

SECTION 1. The Great Barrington Fire District is hereby authorized by and through the agency of three commissioners, to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the village of Great Barrington, the water of East Mountain Brook, so called, flowing by the gun-shop now occupied by G. C. Crosby, and emptying into the Housatonic River, in said town of Great Barrington, and the waters which may flow into said brook, and any water rights connected therewith; and said district may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water, and for forming reservoirs; and also may take and hold any land on and around said stream, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of water for the town and village of Great Barrington, and for public purposes.

May take real estate for necessary purposes.

May build aqueducts, dams, reservoirs, fountains and hydrants and remove same.

SECTION 2. The said fire district may, by and through the same agency, make and build one or more permanent aqueducts from the brook aforesaid, to, into and through the said village, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs within and without the said village; may make and establish public fountains, and such public hydrants, in such places as may from time to time be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may distribute the water throughout the village; may regulate the use of said water, and establish the prices or rents to be paid therefor. And the said fire district may, for the purposes aforesaid, carry and conduct any aqueducts or other works, by them to be made and constructed, over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as not to obstruct or impede travel thereon, and may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and

May regulate use of water.

May conduct works over or under any aqueduct or way.

for maintaining and repairing the same; and may do any other things necessary and proper in executing the purposes of this act.

SECTION 3. Three commissioners shall be chosen by the said fire district by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections that are not specially otherwise provided for in this act; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the said district may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of this Commonwealth; they shall respectively hold their said offices for the term of three years, next after their appointment, unless the works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time, by vote of two-thirds of the voters present at any legal meeting of the district; and, in case of a vacancy in the board by death, resignation or removal, such vacancy may be filled by the appointment of another commissioner in the manner aforesaid, who shall hold his office for the residue of the three years, with all the powers and subject to the restrictions aforesaid. A major part of said commissioners shall be a quorum to do business; they shall once a year, and whenever required by a vote of the said district, make and present in writing a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid.

Commissioners to be chosen by district: duties defined.

Tenure of office.

Vacancy in board how filled.

Quorum.

Annual report.

SECTION 4. Before the appointment of the commissioners aforesaid, the said district shall establish the salaries or compensation to be paid to the commissioners for their services, and the said salaries or rate of compensation so established, shall not be altered during their continuance in said office.

Salaries to be established before appointment.

SECTION 5. Whenever the office of said commissioners shall cease, either by the expiration of said term of three years, or by the completion of the works as mentioned in the foregoing sections of this act, all the rights, powers and authority given to the said fire district by this act shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said district shall from time to time ordain and direct.

Functions vested in commissioners to revert to district.

SECTION 6. The said district shall be liable to pay all damages that shall be sustained by any persons in their

District to be liable for damages to persons.

Party dissatisfied with award may have county commissioners within two years.	property, by the taking of any land, water or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes specified in this act. And if any person who shall sustain damage as aforesaid cannot agree with said commissioners upon the amount of said damages, he may have them assessed by the county commissioners for the county of Berkshire, by making a written application therefor within two years after the said water or water rights shall have been taken under this act; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and the said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner, as is provided in chapter forty-three of the General Statutes with respect to highways.
If aggrieved may have jury.	
Powers and procedure defined.	
Town may, for payment of costs, issue water scrip.	SECTION 7. For the purpose of paying all costs and expenses of such land, waters and water rights as shall be taken, purchased or held for the purposes of this act, and for the construction of all works necessary for the accomplishment of the purposes aforesaid, and all expenses incident thereto, the town of Great Barrington shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Great Barrington Water Scrip," to an amount not exceeding in the whole the sum of twenty-five thousand dollars, bearing interest at a rate not exceeding the legal rate of interest of this Commonwealth; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates, respectively. All notes, scrip and certificates of debt to be issued as aforesaid, shall be signed by the treasurer of the town, and a record of all such notes, scrip and certificates shall be made and kept by the said treasurer; and the said fire district may sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said fire district shall judge proper.
Amount.	
Interest.	
Payment.	
Scrip, how issued and recorded.	
District may sell or pledge.	
Town may tax polls and estate for redemption of scrip.	SECTION 8. The town of Great Barrington is hereby fully authorized to assess and collect upon the polls and estate, real and personal, in said fire district, all taxes necessary to pay the principal and interest of the scrip that shall be sold or pledged by the said district as aforesaid.
Unauthorized use of water, remedy.	SECTION 9. If any person shall use any of the said water without the consent of the said district, an action of tort may

be maintained by the said district against him for the recovery of damages therefor; and if any person shall wantonly or maliciously divert the water, or any part thereof, of said brook, or of any streams or water-courses which shall be taken by the said district, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said district by the authority and for the purposes of this act, every such person shall forfeit and pay to the said district three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And any such person, moreover, may, on conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding three hundred dollars, and imprisonment not exceeding one year.

Diversion or corruption of water or injury to works, forfeiture defined.

Penalty, fine and imprisonment.

SECTION 10. There shall be a legal meeting of the voters of the said fire district called within four years after the passage of this act, for the purpose of having the said voters give in their written votes on the question whether they will accept this act; and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Great Barrington shall warn a meeting of the voters of said town within three months after, for the purpose of having said voters give in their written votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question aforesaid be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Meeting of voters of fire district upon acceptance of Act.

Two-thirds affirming, town to vote.

Town affirming. Act to be in force; otherwise void.

SECTION 11. This act shall take effect upon its passage.

Approved May 5, 1865.

AN ACT TO INCORPORATE THE CHELSEA AND EAST BOSTON STREET RAILWAY COMPANY.

Chap. 199

Be it enacted, &c., as follows:

SECTION 1. Hosea Ilsley, Nehemiah Boynton, James P. Farley, their associates and successors, are hereby made a corporation, by the name of the Chelsea and East Boston Street Railway Company; with all the privileges, and subject to all the duties, liabilities and requirements set forth in all general laws which now are or may hereafter be in force relative to street railway corporations.

Corporators.

Powers.

SECTION 2. Said company may, provided the mayor and aldermen of the cities of Boston and Chelsea shall determine to locate its tracks within their respective cities, construct, maintain and use a street railroad, with single or double tracks, with convenient and suitable turnouts, from the termination of the street railway known as the Suffolk Railroad,

May, with approval of mayor and aldermen of Boston and Chelsea, construct from termination of Suffolk road in East Boston to Chelsea.

on Meridian street, in that part of Boston called East Boston, to the bridge connecting Boston and Chelsea known as Meridian Street Bridge, thence over said bridge and over such streets in Chelsea as may be determined by the mayor and aldermen thereof, to some point in said city of Chelsea near the Malden street station of the Eastern Railroad, or to some point near the proposed station of said Eastern Railroad near its intersection with the Salem turnpike.

May lease or sell to other comp'y.

May purchase Suffolk and use tracks of other companies with consent.

SECTION 3. Said company may lease or convey its tracks, franchise or other property, to any street railway corporation with whose tracks its tracks may connect, and may purchase maintain and use any tracks of the Suffolk Railroad in East Boston, and may enter upon and use the tracks of any other street railroad company within the cities of Boston and Chelsea, with the consent of the company owning the same, and the mayor and aldermen of the city within which the same may be located.

Capital stock.

SECTION 4. The capital stock of said Chelsea and East Boston Street Railway Company shall not exceed one hundred thousand dollars.

Cities of Boston and Chelsea, after ten years, may purchase franchise and property.

SECTION 5. The said cities of Boston and Chelsea, respectively, may, at any time during the continuance of the charter of this company, and after the expiration of ten years from the opening for use of its said tracks, purchase of the company hereby established all its franchise, rights and property in their respective limits, by paying to the said company therefor such sum of money as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per centum per annum from the time of the issue of his stock, deducting the dividends received by such stockholder thereon.

Conditions.

Winthrop comp'y building road under charter within thirty days, this Act to be void.

SECTION 6. The preceding sections of this act shall be void if the Winthrop Railroad Company shall, under the provisions of its charter, within twenty days after locations have been granted by the city of Boston, commence to build said railroad, and shall, within thirty days after such commencement, have completed the connection between the tracks of the Suffolk Railroad, in the city of Boston, and the Winnissimmet Railroad, in the city of Chelsea: *provided, however,* that said location shall have been granted, and the said Winthrop Railroad actually commenced, on or before the fifteenth day of July, in the year eighteen hundred and sixty-five.

Proviso: Winthrop road to commence by July 15, '65.

SECTION 7. This act shall take effect upon its passage.

Approved May 5, 1865.

AN ACT IN FURTHER ADDITION TO AN ACT TO INCORPORATE THE
CAPE COD CENTRAL RAILROAD COMPANY. *Chap. 200*

Be it enacted, &c., as follows:

SECTION 1. The Cape Cod Central Railroad Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars. May increase capital.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

AN ACT RELATING TO THE SALEM AND SOUTH DANVERS RAILROAD
COMPANY. *Chap. 201*

Be it enacted, &c., as follows:

SECTION 1. The Salem and South Danvers Railroad Company is hereby authorized to issue bonds, secured by a mortgage of its road, equipment and franchise, or other real and personal property, upon the terms and conditions set forth in the sixty-third chapter of the General Statutes applicable to railroad corporations: *provided*, that the amount of bonds so to be issued shall not exceed five thousand dollars for each mile of road actually built by said company. May issue bonds. Proviso: not to exceed \$5,000 per mile.

SECTION 2. The county commissioners for the county of Essex may hereafter, upon the application of said company, and from time to time afterwards, but not oftener than once in two years, revise, alter and amend any decree or award made by them determining the amount of compensation to be paid to the Commonwealth by said company for the use of Essex Bridge: *provided*, that no such revisal shall be made at any time while said company shall be owing any amount on account of any previous award. Use of Essex bridge, county commissioners may revise award for. Proviso.

SECTION 3. The county commissioners may make such award or order concerning costs and expenses, as may appear to them just and reasonable. Commissioners may make award for costs.

SECTION 4. This act shall take effect upon its passage.

Approved May 5, 1865.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE WINTHROP
RAILROAD COMPANY. *Chap. 202*

Be it enacted, &c., as follows:

SECTION 1. All rights of the Winthrop Railroad Company, granted under its act of incorporation and the acts in addition thereto, subject to any modifications of the same by the general laws relating to horse railways, are hereby revived; and the time for accepting, locating and constructing said road, in the several cities and towns, is hereby extended to the first day of June, in the year eighteen hundred and sixty-seven. Time for locating extended to June 1, '67.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

Chap. 203 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BOSTON SOCIETY OF NATURAL HISTORY.

Be it enacted, &c., as follows :

May hold estate
for corporate pur-
poses.

SECTION 1. The Boston Society of Natural History shall have power to hold real and personal estate, the clear annual income whereof shall not exceed the sum of twenty thousand dollars, to be applied exclusively to the purposes set forth in the act incorporating said society.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

Chap. 204 AN ACT TO INCORPORATE THE INDEMNITY LIFE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Franklin Haven, Edward S. Tobey, Samuel H. Walley, their associates and assigns, are hereby made a corporation by the name of the Indemnity Life Insurance Company, to be established and located in the city of Boston, for the purpose of making insurance upon lives ; with all the powers and privileges and subject to the duties, liabilities and restrictions set forth in all general laws that now are or may hereafter be in force and applicable to such corporations.

May insure lives
subject to extra
risk.

SECTION 2. Said company shall have power to insure lives of persons in unsound health, or having any inherited or constitutional tendency to disease, or engaged in any hazardous occupation, or residing or proposing to reside in any unhealthful locality, or engaged in actual service in the army or navy of the United States, or refused or liable to be refused insurance by any company for any cause whatsoever.

Risks to be clas-
sified before issue
of policies.

SECTION 3. Before any policy shall be issued the board of directors shall divide the risks to be assumed by the said company into distinct and separate classes, and for each class they shall establish a scale or table of premium rates to be paid by applicants for, and holders of policies issued by said company.

Directors to as-
sign applications
to classes.

SECTION 4. Whenever any person shall apply to the said company for life insurance it shall be the duty of the officers, under such regulations as the board of directors may establish, to assign the risk offered to one of the classes so established as aforesaid, and the premium to be charged upon the policy issued upon such application shall be determined in accordance with the table of rates corresponding to the class to which such risk may have been assigned.

Premiums, how
determined.

Capital stock.
Shares.

Payment of capi-
tal.

SECTION 5. The capital stock shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the whole of such capital shall be paid in cash, before the said corporation shall go into operation for the purpose of making insurance.

SECTION 6. Whenever the net surplus receipts of the said corporation, over the losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per cent., or to such less dividend as may be agreed on at the time of subscribing for the stock; and in case of such dividend not being made in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same.

Dividends, conditions for, required.

SECTION 7. Nothing contained in this act shall be construed to prevent the board of directors from modifying, altering and amending, in their discretion, the tables of premium rates, and the classes into which their risks may be divided, nor from imposing and charging an extra premium for the assumption of a special risk, not covered by the policy.

Directors may establish rates of premium in their discretion.

SECTION 8. Within sixty days after the first day of January in each year, except as hereinafter provided, a net valuation of the liabilities of the company shall be made, regarding four-fifths of the premiums charged on each policy as the net premium; and after reserving a sufficient sum for interest dividends and to re-insure all outstanding risks, and meet other liabilities if any exist, the entire surplus or net profits shall be set apart to be held by the company as a permanent guarantee fund, for the protection of the policy holders, and subject to losses of the company; but interest thereon, at the rate of seven per centum, may be paid semi-annually to the stockholders, *pro rata*.

Valuation of liabilities to be made in January annually.

Surplus to be made permanent guarantee fund.

Interest may be paid stockholders.

SECTION 9. Whenever the said guarantee fund, together with the capital stock of the company, shall reach the sum of one million dollars, the further accumulation of profits shall cease, except as hereinafter provided, and the entire profits of the company may thereafter be proportionally divided among the stockholders: *provided, however*, that in case the said capital stock and guarantee fund shall at any time be reduced below said sum, by losses of the company or otherwise, no dividend other than for interest shall be paid to the stockholders until the said capital and guarantee fund shall be again made up to the sum of one million dollars.

Fund and capital, limitation.

Dividends. Proviso.

SECTION 10. This act shall take effect upon its passage.

Approved May 9, 1865.

AN ACT TO APPORTION AND ASSESS A TAX OF FOUR MILLION SEVEN HUNDRED THOUSAND DOLLARS.

Be it enacted, &c., as follows:

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:

Chap. 205

Assessment of cities and towns.

Counties:
Suffolk.

Suffolk County.—Boston, one million five hundred and ninety-two thousand five hundred and one dollars; Chelsea, thirty-seven thousand eight hundred and thirty-five dollars; North Chelsea, three thousand nine hundred and forty-eight dollars; Winthrop, two thousand one hundred and fifteen dollars.

Essex.

Essex County.—Amesbury, nine thousand one hundred and eighteen dollars; Andover, thirteen thousand three hundred and ninety-five dollars; Beverly, seventeen thousand two hundred and forty-nine dollars; Boxford, three thousand and fifty-five dollars; Bradford, four thousand two hundred and seventy-seven dollars; Danvers, eleven thousand four hundred and twenty-one dollars; Essex, four thousand seven hundred dollars; Georgetown, four thousand one hundred and eighty-three dollars; Gloucester, twenty-three thousand nine hundred and twenty-three dollars; Groveland, three thousand six hundred and nineteen dollars; Hamilton, two thousand three hundred and fifty dollars; Haverhill, twenty-four thousand one hundred and eleven dollars; Ipswich, seven thousand eight hundred and forty-nine dollars; Lawrence, fifty-three thousand six hundred and seventy-four dollars; Lynn, forty-eight thousand nine hundred and seventy-four dollars; Lynnfield, two thousand nine hundred and fourteen dollars; Manchester, three thousand nine hundred and ninety-five dollars; Marblehead, thirteen thousand and sixty-six dollars; Methuen, six thousand six hundred and seventy-four dollars; Middleton, one thousand nine hundred and seventy-four dollars; Nahant, two thousand two hundred and fifty-six dollars; Newbury, three thousand seven hundred and sixty dollars; Newburyport, thirty-six thousand six hundred and sixty dollars; North Andover, eight thousand eight hundred and thirty-six dollars; Rockport, six thousand nine hundred and fifty-six dollars; Rowley, two thousand seven hundred and twenty-six dollars; Salem, seventy-five thousand and fifty-nine dollars; Salisbury, eight thousand six hundred and one dollars; Saugus, six thousand two hundred and fifty-one dollars; South Danvers, eighteen thousand six hundred and fifty-nine dollars; Swampscott, six thousand six hundred and seventy-four dollars; Topsfield, three thousand four hundred and thirty-one dollars; Wenham, two thousand three hundred and fifty dollars; West Newbury, four thousand nine hundred and thirty-five dollars.

Middlesex.

Middlesex County.—Acton, four thousand three hundred and twenty-four dollars; Ashby, two thousand seven hundred and twenty-six dollars; Ashland, three thousand five

hundred and seventy-two dollars; Bedford, two thousand four hundred and forty-four dollars; Belmont, fourteen thousand eight hundred and ninety-nine dollars; Billerica, five thousand three hundred and eleven dollars; Boxborough, one thousand two hundred and twenty-two dollars; Brighton, seventeen thousand three hundred and ninety dollars; Burlington, two thousand and twenty-one dollars; Cambridge, one hundred and eighteen thousand four hundred and eighty-seven dollars; Carlisle, one thousand seven hundred and eighty-six dollars; Charlestown, eighty-six thousand eight hundred and fifty-six dollars; Chelmsford, seven thousand four hundred and twenty-six dollars; Concord, seven thousand eight hundred and forty-nine dollars; Dracut, five thousand six hundred and forty dollars; Dunstable, one thousand eight hundred and eighty dollars; Framingham, thirteen thousand six hundred and thirty dollars; Groton, seven thousand nine hundred and ninety dollars; Holliston, seven thousand nine hundred and forty-three dollars; Hopkinton, eight thousand six hundred and one dollars; Lexington, eight thousand three hundred and nineteen dollars; Lincoln, two thousand nine hundred and fourteen dollars; Littleton, three thousand one hundred and two dollars; Lowell, ninety-seven thousand four hundred and seventy-eight dollars; Malden, twenty thousand and twenty-two dollars; Marlborough, fourteen thousand three hundred and eighty-two dollars; Medford, twenty-four thousand nine hundred and fifty-seven dollars; Melrose, eight thousand four hundred and thirteen dollars; Natick, ten thousand one hundred and five dollars; Newton, forty-four thousand and thirty-nine dollars; North Reading, three thousand and eight dollars; Pepperell, four thousand seven hundred and forty-seven dollars; Reading, six thousand five hundred and eighty dollars; Sherborn, four thousand one hundred and thirty-six dollars; Shirley, three thousand four hundred and thirty-one dollars; Somerville, twenty-seven thousand and seventy-two dollars; South Reading, eight thousand eight hundred and thirty-six dollars; Stoneham, seven thousand three hundred and seventy-nine dollars; Stow, three thousand nine hundred and forty-eight dollars; Sudbury, five thousand one hundred and seventy dollars; Tewksbury, three thousand six hundred and sixty-six dollars; Townsend, four thousand one hundred and eighty-three dollars; Tyngsborough, one thousand seven hundred and thirty-nine dollars; Waltham, twenty-five thousand five hundred and twenty-one dollars; Watertown, thirteen thousand one hundred and thirteen dollars; Wayland, three thousand two

hundred and ninety dollars; West Cambridge, thirteen thousand and nineteen dollars; Westford, four thousand eight hundred and eighty-eight dollars; Weston, five thousand one hundred and twenty-three dollars; Wilmington, two thousand seven hundred and seventy-three dollars; Winchester, six thousand eight hundred and sixty-two dollars; Woburn, twenty-four thousand six hundred and seventy-five dollars.

Worcester.

Worcester County.—Ashburnham, four thousand four hundred and eighteen dollars; Athol, six thousand one hundred and fifty-seven dollars; Auburn, two thousand five hundred and thirty-eight dollars; Barre, eight thousand eight hundred and eighty-three dollars; Berlin, two thousand two hundred and nine dollars; Blackstone, ten thousand eight hundred and fifty-seven dollars; Bolton, three thousand four hundred and thirty-one dollars; Boylston, two thousand three hundred and fifty dollars; Brookfield, five thousand two hundred and sixty-four dollars; Charlton, four thousand seven hundred and forty-seven dollars; Clinton, nine thousand eight hundred and seventy dollars; Dana, one thousand four hundred and ten dollars; Douglas, four thousand seven hundred and forty-seven dollars; Dudley, three thousand six hundred and sixty-six dollars; Fitchburg, twenty-one thousand five hundred and twenty-six dollars; Gardner, five thousand one hundred and twenty-three dollars; Grafton, nine thousand three hundred and fifty-three dollars; Hardwick, five thousand four hundred and five dollars; Harvard, four thousand six hundred and fifty-three dollars; Holden, four thousand four hundred and eighteen dollars; Hubbardston, three thousand eight hundred and seven dollars; Lancaster, four thousand nine hundred and thirty-five dollars; Leicester, seven thousand nine hundred and ninety dollars; Leominster, nine thousand seven hundred and twenty-nine dollars; Lunenburg, three thousand six hundred and nineteen dollars; Mendon, three thousand three hundred and eighty-four dollars; Milford, nineteen thousand and eighty-two dollars; Millbury, seven thousand four hundred and seventy-three dollars; New Braintree, two thousand six hundred and seventy-nine dollars; North Brookfield, five thousand five hundred and forty-six dollars; Northborough, four thousand three hundred and seventy-one dollars; Northbridge, five thousand eight hundred and seventy-five dollars; Oakham, one thousand seven hundred and eighty-six dollars; Oxford, six thousand and sixty-three dollars; Paxton, one thousand five hundred and ninety-eight dollars; Petersham, three thousand five hundred and

twenty-five dollars; Phillipston, one thousand six hundred and ninety-two dollars; Princeton, three thousand eight hundred and fifty-four dollars; Royalston, three thousand six hundred and sixty-six dollars; Rutland, two thousand seven hundred and twenty-six dollars; Shrewsbury, five thousand and seventy-six dollars; Southborough, four thousand eight hundred and forty-one dollars; Southbridge, eight thousand eight hundred and eighty-three dollars; Spencer, seven thousand three hundred and seventy-nine dollars; Sterling, five thousand three hundred and eleven dollars; Sturbridge, four thousand six hundred and six dollars; Sutton, five thousand eight hundred and twenty-eight dollars; Templeton, five thousand four hundred and fifty-two dollars; Upton, four thousand and eighty-nine dollars; Uxbridge, eight thousand and eighty-four dollars; Warren, five thousand three hundred and eleven dollars; Webster, five thousand nine hundred and twenty-two dollars; West Boylston, four thousand six hundred and six dollars; West Brookfield, three thousand six hundred and nineteen dollars; Westborough, seven thousand and ninety-seven dollars; Westminster, three thousand eight hundred and seven dollars; Winchendon, six thousand five hundred and thirty-three dollars; Worcester, ninety-six thousand and twenty-one dollars.

Hampshire County.—Amherst, nine thousand one hundred and sixty-five dollars; Belchertown, five thousand nine hundred and sixty-nine dollars; Chesterfield, two thousand and twenty-one dollars; Cummington, one thousand nine hundred and twenty-seven dollars; Easthampton, seven thousand nine hundred and ninety dollars; Enfield, three thousand and eight dollars; Goshen, eight hundred and forty-six dollars; Granby, two thousand four hundred and forty-four dollars; Greenwich, one thousand four hundred and ten dollars; Hadley, six thousand three hundred and ninety-two dollars; Hatfield, six thousand six hundred and seventy-four dollars; Huntington, two thousand two hundred and fifty-six dollars; Middlefield, one thousand eight hundred and thirty-three dollars; Northampton, twenty-three thousand one hundred and twenty-four dollars; Pelham, one thousand one hundred and seventy-five dollars; Plainfield, one thousand three hundred and sixty-three dollars; Prescott, one thousand two hundred and twenty-two dollars; South Hadley, five thousand five hundred and ninety-three dollars; Southampton, two thousand six hundred and thirty-two dollars; Ware, six thousand nine hundred and fifty-six dollars; Westhampton, one thousand four

Hampshire.

hundred and fifty-seven dollars; Williamsburg, five thousand four hundred and ninety-nine dollars; Worthington, two thousand one hundred and sixty-two dollars.

Hampden.

Hampden County.—Agawam, four thousand two hundred and thirty dollars; Blandford, two thousand eight hundred and twenty dollars; Brimfield, three thousand six hundred and nineteen dollars; Chester, two thousand five hundred and thirty-eight dollars; Chicopee, sixteen thousand seven hundred and thirty-two dollars; Granville, two thousand eight hundred and sixty-seven dollars; Holland, seven hundred and five dollars; Holyoke, thirteen thousand and nineteen dollars; Longmeadow, four thousand nine hundred and thirty-five dollars; Ludlow, two thousand four hundred and forty-four dollars; Monson, six thousand seven hundred and twenty-one dollars; Montgomery, eight hundred and forty-six dollars; Palmer, six thousand seven hundred and twenty-one dollars; Russell, one thousand one hundred and seventy-five dollars; Southwick, three thousand one hundred and two dollars; Springfield, sixty-six thousand nine hundred and seventy-five dollars; Tolland, one thousand five hundred and four dollars; Wales, one thousand three hundred and sixty-three dollars; Westfield, sixteen thousand five hundred and forty-four dollars; West Springfield, six thousand four hundred and eighty-six dollars; Wilbraham, four thousand six hundred and six dollars.

Franklin.

Franklin County.—Ashfield, three thousand one hundred and ninety-six dollars; Bernardston, two thousand four hundred and forty-four dollars; Buckland, three thousand one hundred and forty-nine dollars; Charlemont, two thousand and twenty-one dollars; Colrain, three thousand three hundred and eighty-four dollars; Conway, three thousand seven hundred and sixty dollars; Deerfield, six thousand four hundred and eighty-six dollars; Erving, nine hundred and eighty-seven dollars; Gill, one thousand nine hundred and seventy-four dollars; Greenfield, nine thousand four hundred dollars; Hawley, one thousand four hundred and ten dollars; Heath, one thousand two hundred and sixty-nine dollars; Leverett, one thousand five hundred and ninety-eight dollars; Leyden, one thousand four hundred and ten dollars; Monroe, four hundred and seventy dollars; Montague, three thousand two hundred and ninety dollars; New Salem, one thousand nine hundred and seventy-four dollars; Northfield, three thousand eight hundred and seven dollars; Orange, three thousand six hundred and nineteen dollars; Rowe, nine hundred and eighty-seven dollars; Shelburne, four thousand one hundred and eighty-

three dollars; Shutesbury, one thousand two hundred and sixty-nine dollars; Sunderland, two thousand one hundred and sixty-two dollars; Warwick, one thousand five hundred and four dollars; Wendell, one thousand one hundred and twenty-eight dollars; Whately, three thousand three hundred and eighty-four dollars.

Berkshire County.—Adams, seventeen thousand two hundred and two dollars; Alford, one thousand six hundred and forty-five dollars; Becket, two thousand six hundred and seventy-nine dollars; Cheshire, three thousand six hundred and sixty-six dollars; Clarksburg, seven hundred and fifty-two dollars; Dalton, four thousand five hundred and twelve dollars; Egremont, two thousand eight hundred and sixty-seven dollars; Florida, one thousand three hundred and sixteen dollars; Great Barrington, ten thousand eight hundred and fifty-seven dollars; Hancock, two thousand three hundred and fifty dollars; Hinsdale, four thousand and forty-two dollars; Lanesborough, three thousand three hundred and thirty-seven dollars; Lee, eight thousand six hundred and forty-eight dollars; Lenox, four thousand two hundred and thirty dollars; Monterey, one thousand five hundred and ninety-eight dollars; Mt. Washington, four hundred and seventy dollars; New Ashford, five hundred and seventeen dollars; New Marlborough, three thousand three hundred and thirty-seven dollars; Otis, one thousand eight hundred and eighty dollars; Peru, one thousand one hundred and twenty-eight dollars; Pittsfield, thirty thousand four hundred and fifty-six dollars; Richmond, two thousand five hundred and eighty-five dollars; Sandisfield, three thousand two hundred and forty-three dollars; Savoy, one thousand five hundred and ninety-eight dollars; Sheffield, six thousand one hundred and fifty-seven dollars; Stockbridge, six thousand two hundred and fifty-one dollars; Tyringham, one thousand five hundred and fifty-one dollars; Washington, one thousand five hundred and fifty-one dollars; West Stockbridge, three thousand three hundred and eighty-four dollars; Williamstown, five thousand nine hundred and twenty-two dollars; Windsor, one thousand six hundred and forty-five dollars.

Norfolk County.—Bellingham, two thousand five hundred and thirty-eight dollars; Braintree, eight thousand four hundred and thirteen dollars; Brookline, fifty thousand nine hundred and ninety-five dollars; Canton, ten thousand seven hundred and sixteen dollars; Cohasset, five thousand eight hundred and seventy-five dollars; Dedham, twenty-three thousand three hundred and twelve dollars; Dorches-

ter, fifty-six thousand one hundred and eighteen dollars; Dover, one thousand seven hundred and eighty-six dollars; Foxborough, six thousand six hundred and seventy-four dollars; Franklin, five thousand four hundred and fifty-two dollars; Medfield, three thousand one hundred and two dollars; Medway, six thousand seven hundred and twenty-one dollars; Milton, eighteen thousand six hundred and twelve dollars; Needham, eight thousand seven hundred and forty-two dollars; Quincy, eighteen thousand six hundred and fifty-nine dollars; Randolph, fourteen thousand eight hundred and fifty-two dollars; Roxbury, one hundred and six thousand eight hundred and seventy-eight dollars; Sharon, three thousand seven hundred and thirteen dollars; Stoughton, nine thousand four hundred and ninety-four dollars; Walpole, five thousand seven hundred and thirty-four dollars; West Roxbury, forty-six thousand and thirteen dollars; Weymouth, eighteen thousand five hundred and sixty-five dollars; Wrentham, seven thousand two hundred and thirty-eight dollars.

Bristol.

Bristol County.—Acushnet, three thousand two hundred and ninety dollars; Attleborough, eleven thousand nine hundred and thirty-eight dollars; Berkley, one thousand seven hundred and thirty-nine dollars; Dartmouth, eleven thousand six hundred and fifty-six dollars; Dighton, four thousand two hundred and thirty dollars; Easton, nine thousand five hundred and eighty-eight dollars; Fairhaven, eight thousand six hundred and forty-eight dollars; Fall River, sixty thousand seven hundred and twenty-four dollars; Freetown, three thousand six hundred and nineteen dollars; Mansfield, four thousand two hundred and thirty dollars; New Bedford, ninety-two thousand nine hundred and nineteen dollars; Norton, four thousand four hundred and eighteen dollars; Raynham, five thousand four hundred and five dollars; Rehoboth, four thousand and forty-two dollars; Seekonk, two thousand five hundred and thirty-eight dollars; Somerset, four thousand five hundred and fifty-nine dollars; Swansey, three thousand eight hundred and fifty-four dollars; Taunton, forty-one thousand five hundred and ninety-five dollars; Westport, seven thousand four hundred and seventy-three dollars.

Plymouth.

Plymouth County.—Abington, seventeen thousand four hundred and thirty-seven dollars; Bridgewater, ten thousand two hundred and forty-six dollars; Carver, two thousand four hundred and ninety-one dollars; Duxbury, five thousand five hundred and forty-six dollars; East Bridgewater, six thousand six hundred and seventy-four dollars;

Halifax, one thousand eight hundred and eighty dollars; Hanover, three thousand nine hundred and one dollars; Hanson, two thousand five hundred and thirty-eight dollars; Hingham, eleven thousand eight hundred and ninety-one dollars; Hull, seven hundred and fifty-two dollars; Kingston, six thousand two hundred and ninety-eight dollars; Lakeville, three thousand and eight dollars; Marion, two thousand three hundred and ninety-seven dollars; Marshfield, four thousand four hundred and eighteen dollars; Mattapoisett, three thousand and fifty-five dollars; Middleborough, eleven thousand four hundred and sixty-eight dollars; North Bridgewater, twelve thousand seven hundred and thirty-seven dollars; Pembroke, three thousand one hundred and ninety-six dollars; Plymouth, sixteen thousand and twenty-seven dollars; Plympton, one thousand six hundred and ninety-two dollars; Rochester, two thousand nine hundred and sixty-one dollars; Scituate, four thousand eight hundred and forty-one dollars; South Scituate, four thousand two hundred and seventy-seven dollars; Wareham, five thousand one hundred and twenty-three dollars; West Bridgewater, four thousand seven hundred and ninety-four dollars.

Barnstable County.—Barnstable, eleven thousand six hundred and fifty-six dollars; Brewster, three thousand nine hundred and forty-eight dollars; Chatham, five thousand nine hundred and sixty-nine dollars; Dennis, six thousand four hundred and eighty-six dollars; Eastham, one thousand three hundred and sixty-three dollars; Falmouth, seven thousand and fifty dollars; Harwich, six thousand and sixteen dollars; Orleans, three thousand two hundred and ninety dollars; Provincetown, eight thousand one hundred and seventy-eight dollars; Sandwich, eight thousand six hundred and ninety-five dollars; Truro, two thousand four hundred and forty-four dollars; Wellfleet, four thousand one hundred and thirty-six dollars; Yarmouth, seven thousand one hundred and forty-four dollars.

Dukes County.—Chilmark, one thousand seven hundred and eighty-six dollars; Edgartown, five thousand three hundred and eleven dollars; Gosnold, five hundred and seventeen dollars; Tisbury, three thousand seven hundred and thirteen dollars.

Nantucket County.—Nantucket, eleven thousand four hundred and twenty-one dollars.

Recapitulation.—Suffolk County, one million six hundred and thirty-six thousand three hundred and ninety-nine dollars; Essex County, four hundred and forty-seven thousand

six hundred and seventy-five dollars; Middlesex County, seven hundred and thirty-eight thousand eight hundred and eighty-seven dollars; Worcester County, four hundred and sixteen thousand eight hundred and ninety dollars; Hampshire County, one hundred and three thousand one hundred and eighteen dollars; Hampden County, one hundred and sixty-nine thousand nine hundred and fifty-two dollars; Franklin County, seventy thousand two hundred and sixty-five dollars; Berkshire County, one hundred and forty-one thousand three hundred and seventy-six dollars; Norfolk County, four hundred and forty thousand two hundred and two dollars; Bristol County, two hundred and eighty-six thousand four hundred and sixty-five dollars; Plymouth County, one hundred and forty-nine thousand six hundred and forty-eight dollars; Barnstable County, seventy-six thousand three hundred and seventy-five dollars; Dukes County, eleven thousand three hundred and twenty-seven dollars; Nantucket County, eleven thousand four hundred and twenty-one dollars.

Treasurer to issue warrants.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town, taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of the eleventh chapter of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

Warrant to require issue of warrants by towns for payment to treasurer.

SECTION 3. The treasurer, in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns to pay to said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and sixty-five, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

Names of treasurers, with sums required, to be returned.

Treasurer of Commonwealth to notify in case of delinquency.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency,

Penalty.

dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said court, or the justice thereof, before whom the hearing is had, shall order.

In case unpaid Jan. 1, '66, warrant of distress to issue.

SECTION 5. This act shall take effect upon its passage.

Approved May 9, 1865.

AN ACT IN RELATION TO THE ASSESSMENTS OF TAXES.

Be it enacted, &c., as follows:

SECTION 1. The fifth section of chapter eleven of the General Statutes is hereby so far amended in the sixth and seventh clauses, that the tools of a mechanic necessary for carrying on his business, are exempted from taxation only to an amount not exceeding three hundred dollars in value; and only such houses of religious worship are exempted from taxation as are owned by a religious society, or held in trust for the use of religious organizations.

Mechanics' tools exempted to \$300 value.

Houses of worship.

SECTION 2. Section fifty of chapter eleven of the General Statutes is hereby repealed.

G. S. § 50 ch. 11 repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

AN ACT RELATING TO WITNESSES.

Be it enacted, &c., as follows:

SECTION 1. Whenever the contract or cause of action in issue and on trial was made or transacted with an agent, the death or insanity of his principal shall not prevent any party to the suit or proceeding from being a witness in the case: *provided*, such agent shall be living and competent to testify.

Death of principal not to exclude witness in cause of agent competent.

SECTION 2. Whenever the contract or cause of action in issue and on trial was made or transacted with the wife of any one of the parties, in the absence of her husband, she may be a witness for either party, although not joined in the suit; but she shall not be allowed to testify as to private conversations with her husband.

Wife being agent of husband may testify, though not party in suit.

Approved May 9, 1865.

AN ACT CONCERNING JUVENILE OFFENDERS.

Be it enacted, &c., as follows:

SECTION 1. No person under the age of ten years shall be sentenced to a jail or house of correction, except for non-payment of fine, or fine and costs.

Minors under ten years, sentence.

Chap. 206

Chap. 207

Chap. 208

Houses of reformation, county commissioners may erect for youths.

SECTION 2. The county commissioners of the several counties may, in their discretion, establish therein, at the expense of the county, houses of reformation, to which offenders under the age of sixteen years may be sentenced in all cases punishable by law with imprisonment, or for non-payment of fine, or fine and costs.

Town may assign for truants et al., and pay support.

SECTION 3. Any city or town in such county may assign such house of reformation as the institution provided for persons convicted of being habitual truants, or of the offences described in chapter two hundred and seven of the acts of the year eighteen hundred and sixty-two, and in such case shall pay such sum for the support of those committed thereto as the county commissioners shall determine.

Commissioners, except in Suffolk, to make government, and may discharge.

SECTION 4. The said commissioners, except in the county of Suffolk, shall make all suitable regulations for the government and control of said houses of reformation, and the appointment of teachers and officers thereof; and they shall have power at any time to discharge any person sentenced to said institution; and in the county of Suffolk the board of directors for public institutions shall have like authority to discharge persons from the House of Employment and Reformation for Juvenile Offenders, established in the city of Boston.

Approved May 9, 1865.

Chap. 209

AN ACT RELATING TO THE SALARY OF THE ASSISTANT-CLERK OF THE COURTS OF THE COUNTY OF MIDDLESEX.

Be it enacted, &c., as follows :

Established from April 1, '65.

From and after the first day of April, in the year one thousand eight hundred and sixty-five, the assistant-clerk of the courts of the county of Middlesex shall receive an annual salary of fifteen hundred dollars.

Approved May 9, 1865.

Chap. 210

AN ACT RELATING TO LAND DAMAGES AND OTHER CLAIMS CONNECTED WITH THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Be it enacted, &c., as follows :

Commissioners, with attorney-general, may allow claims for land and construction prior to April, '60, and relieve incumbrances.

SECTION 1. The commissioners on the Troy and Greenfield Railroad and Hoosac Tunnel, appointed in pursuance of chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-two, are hereby authorized, with the aid and advice of the attorney-general, to audit and allow all just claims on account of land taken or purchased for the location and construction of said road and tunnel, which accrued prior to the sixth day of April in the year eighteen hundred and sixty, and are still outstanding; and to procure the discharge of all incumbrances upon the land referred to; and the accounts thus audited and allowed shall be trans-

mitted to the governor, and if approved by the governor and council, shall be paid out of the treasury of the Commonwealth, to an amount not exceeding fifteen thousand dollars.

Accounts, if approved by governor and council, to be paid.

SECTION 2. Said commissioners, with the aid and advice of the attorney-general, are further authorized and directed to inquire into the existing title to the shaft at the west end of the Hoosac Tunnel, and the land upon which said shaft is located, the cost of said shaft and land, up to the time the Commonwealth took possession thereof, and the present value of the same to the Commonwealth, and to report the result of their investigation to the governor and council, to be communicated to the next legislature.

Commissioners to report upon shaft and land at tunnel.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

AN ACT IN FURTHER ADDITION TO AN ACT PROVIDING FOR THE MORE SPEEDY COMPLETION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Chap. 211

Be it enacted, §c., as follows :

SECTION 1. For the further prosecution and completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and the payment of interest upon such scrip as has been or may be issued during the progress of the work, there is hereby appropriated the sum of eight hundred thousand dollars, in addition to the amount provided in chapter two hundred and fourteen of the acts of the year eighteen hundred and sixty-three; such sum, for the purposes aforesaid, to be raised in the manner provided in said chapter.

Appropriation for completion, and interest upon scrip.

SECTION 2. The commissioners are hereby authorized to proceed with the construction and completion of that part of the Troy and Greenfield Railroad lying east of the Hoosac Tunnel, at such time and in such manner as in their judgment will best serve the interest of the Commonwealth.

Money, how raised.

Commissioners may build road east of tunnel in their discretion.

Approved May 9, 1865.

AN ACT RELATING TO THE TAKING OF MENHADEN IN THE WATERS OF BUZZARD'S BAY AND VINEYARD SOUND.

Chap. 212

Be it enacted, §c., as follows :

From and after the passage of this act it shall be lawful for any person to take menhaden by the use of the purse seine, so called, in the waters of Buzzard's Bay or of Vineyard Sound, or the waters of any bays, inlets or rivers bordering on or flowing into the same: *provided*, that no authority shall be hereby given to use any such seine at the mouth of any river where there now is or where there may hereafter be a herring fishery established by law, until after the fifteenth day of June in each year; and *provided, further*, that

Any person may lawfully take with purse seine.

Provisos.

no authority shall be hereby given to use any seine in the waters around Nantucket or the islands belonging thereto.

Approved May 9, 1865.

Chap. 213 AN ACT TO INCORPORATE THE BOSTON WHEAT AND BREAD COMPANY.
Be it enacted, &c., as follows :

Corporators. SECTION 1. Steuben T. Bacon, Sylvanus A. Denio, Theodore H. Seavy, their associates and successors, are hereby made a corporation, by the name of the Boston Wheat and Bread Company, for the purpose of manufacturing machinery and tools for making bread, and also for milling grain and making bread in the city of Boston, or elsewhere in this Commonwealth; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Estate. SECTION 2. Said corporation may hold such real and personal estate as may be necessary for the purposes aforesaid :
Capital. *provided*, that the whole capital stock thereof shall not exceed two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each ; and
Pre-payment required. *provided, further*, that it shall not go into operation until seventy-five thousand dollars of its capital stock has been paid in.

May increase capital. SECTION 3. Said corporation may at any time increase its capital stock by adding thereto an amount not exceeding two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, whenever a majority in interest of its stockholders, at a meeting called for that purpose, shall so determine.

Shares. SECTION 4. This act shall take effect upon its passage.

Approved May 9, 1865.

Chap. 214 AN ACT TO INCORPORATE THE WORCESTER COUNTY FREE INSTITUTE OF INDUSTRIAL SCIENCE.

Be it enacted, &c., as follows :

Corporators. SECTION 1. George F. Hoar, Seth Sweetser, their associates and successors, are hereby made a body corporate, by the name of the Worcester County Free Institute of Industrial Science, for the purpose of establishing and maintaining in the city of Worcester, an institution to aid in the advancement, development and practical application of science, in connection with arts, agriculture, manufactures, mercantile business and such other kindred branches of practical education as said corporation shall determine ; with all the powers and privileges, and subject to all the duties and liabilities set forth in all laws which now are or may hereafter be in

force, and applicable to such corporations. The mayor of the city of Worcester, for the time being, shall, *ex officio*, be a member of said corporation, and one member shall be appointed by the board of education, from time to time, as a vacancy may occur; and said corporation shall not consist of more than twelve members at any one time.

Mayor of city to be member *ex officio*.
Appointment, and limitation of number of members.

SECTION 2. Said corporation shall have authority to accept and hold in fee simple, or any less estate, any real or personal estate to an amount not exceeding four hundred and fifty thousand dollars, to be devoted exclusively to the purposes aforesaid, and in conformity with conditions made by any donor, not inconsistent with this act, expressed by him in writing, and recorded in the records of said institution.

May hold estate of \$450,000, for corporate purposes.

SECTION 3. Said corporation may establish separate departments of scientific instruction and pursuit whenever it can be done without interfering with the unity of purpose of said institution or the government and management of the same, may designate and distinguish such departments by specific names, and accept any moneys for the special advancement of said departments: *provided*, that no moneys shall be applied to any uses or purposes not embraced within the general design of said institution as expressed in this act.

May establish scientific departments and receive for them special grants.

Proviso.

Approved May 9, 1865.

AN ACT TO INCORPORATE THE SOUTH OF EUROPE STEAM-SHIP COMPANY.

Chap. 215

Be it enacted, &c., as follows:

SECTION 1. Alfred C. Hersey, Oliver Brewster and E. Hasket Derby, their associates and successors, are hereby made a corporation by the name of the South of Europe Steam-ship Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws of this Commonwealth which now are or hereafter may be in force relating to such corporations.

Corporators.

Powers.

SECTION 2. Said corporation is hereby empowered to build, charter, hold and convey one or more steam-ships and steam propellers, and to employ the same in transporting passengers and freight between the city of Boston and any port or ports of the Mediterranean Sea, or of the Azores Islands.

May build or charter vessels and use between certain ports.

SECTION 3. The capital stock of said corporation shall not exceed six hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to fix its capital within said amount and from time to time increase the same so as not to exceed such limits, and shall have power to assess

Capital stock.

Shares.

from time to time upon such shares, such sums as may be deemed necessary to accomplish its object, not exceeding the par value of such shares. No certificates of stock shall be issued until the par value thereof shall have actually been paid in, and no steam-ship or propeller shall be run until at least fifty thousand dollars of its capital shall have been subscribed.

Real estate. SECTION 4. Said corporation may hold real estate to an amount not exceeding one hundred thousand dollars.

Conditions of validity of Act. SECTION 5. If said corporation shall not, within one year from the passage hereof, have been organized, and have collected by assessment an amount equal to fifty thousand dollars of its capital stock subscribed, and shall not within two years from the passage of this act have one or more steam-ships or steam propellers employed between said city of Boston and said port or ports, or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steam-ships or steam propellers in said business, then this act shall be null and void.

Approved May 9, 1865.

Chap. 216 AN ACT RELATING TO THE TRUSTEES OF THE HAVERHILL CONGREGATIONAL MINISTERIAL FUND.

Be it enacted, &c., as follows :

May invest in manner as savings bank. SECTION 1. The Trustees of the Haverhill Congregational Ministerial Fund may invest all the money belonging to said fund, in the manner in which savings banks in this Commonwealth may now or hereafter invest their funds.

Portion of Act of '23 repealed. SECTION 2. So much of the thirty-second chapter of the acts of the year eighteen hundred and twenty-three as is inconsistent with this act, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

Chap. 217 AN ACT TO INCORPORATE THE AMERICAN SAFETY STEAM-ENGINE COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Daniel Harwood, George O. Carpenter, Charles T. Thayer, their associates and successors, are hereby made a corporation, by the name of the American Safety Steam-Engine Company, for the purpose of manufacturing steam-engines, generators, boilers and other machinery, and holding and owning patents therefor and dealing therewith ; with

Purpose. all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which are now or may hereafter be in force relating to manufacturing corporations.

Powers.

SECTION 2. The said corporation shall have its place of business in the city of Boston, and may establish manufactories in any town in the Commonwealth; and for this purpose may hold real estate to an amount not exceeding two hundred thousand dollars. The whole capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Location.

Real estate.

Capital stock.

Shares.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

AN ACT TO INCORPORATE THE NEW ENGLAND CONSOLIDATED COAL COMPANY. *Chap. 218*

Be it enacted, &c., as follows:

SECTION 1. George A. Shaw, John B. Taft, Matthew Bartlett, their associates and successors, are hereby made a corporation, by the name of the New England Consolidated Coal Company, for the purpose of mining, transporting and dealing in anthracite coal; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Purpose.

Powers.

SECTION 2. The capital stock of said corporation shall not exceed one million dollars, and shall be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of two hundred thousand dollars of the capital stock has been paid in. Said corporation may hold such real and personal estate as may be necessary or convenient for the purposes set forth in this act.

Capital stock.

Shares.

Proviso.

Estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

AN ACT FOR THE PROTECTION OF ALEWIVES AND OTHER FISH IN MYSTIC RIVER. *Chap. 219*

Be it enacted, &c., as follows:

SECTION 1. No fish shall be taken within fifty rods of any fishway now existing or hereafter to be constructed over or at any dam in the towns of Medford, West Cambridge and Winchester, between the first day of April and the fifteenth day of June.

Taking prohibited within certain time and limits.

SECTION 2. Any person violating the provisions of this act shall be liable to a penalty of fifty cents for each and every fish so taken.

Penalty for violation.

SECTION 3. All prosecutions under this act shall be commenced within thirty days from the time of the commission of the offence.

Prosecutions, limitation for.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1865.

Chap. 220 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, &c., as follows :

May hold estate with income of \$30,000 per annum for corporate purposes.

SECTION 1. The Massachusetts Institute of Technology is hereby authorized to hold real and personal estate to an amount of which the clear annual income shall be thirty thousand dollars, to be devoted exclusively to the purposes and objects set forth in its act of incorporation and all acts in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1865.

Chap. 221 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TEMPORARY HOME FOR THE DESTITUTE.

Be it enacted, &c., as follows :

May hold estate for corporate purpose.

SECTION 1. The Temporary Home for the Destitute may hold real and personal estate for the purposes for which it was established, to an amount not exceeding thirty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1865.

Chap. 222 AN ACT CONCERNING THE FITCHBURG RAILROAD COMPANY.

Be it enacted, &c., as follows :

May extend wharf in Charlestown, on piles.

Line defined.

SECTION 1. The Fitchburg Railroad Company is hereby authorized to extend its wharf at Charlestown, near Warren Bridge, on piles, over any portion or the whole of an area included within the present wharf and bridge of said company and a line drawn as follows, to wit: beginning at the westerly end of the southerly side of said company's wharf at the first angular point therein, distant one hundred and thirty feet from Warren Bridge, and thence running north-westerly, in a direct line, to the easterly side of said company's railroad wharf and bridge, over Charles River to a point one hundred and fifty-nine feet distant northerly, measured on the line of said railroad bridge and wharf, from the middle of the northerly coal shoot on said railroad bridge and wharf. The harbor commissioners may prescribe the method of building said extension.

Harbor commissioners may direct.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1865.

AN ACT TO PREVENT EVASIONS OF THE PROVISIONS OF SECTION FIFTY-EIGHT OF THE EIGHTY-SIXTH CHAPTER OF THE GENERAL STATUTES. *Chap. 223*

Be it enacted, §c., as follows :

SECTION 1. No case in court for the violation of the provisions of the eighty-sixth chapter, or of sections six, seven, eight or nine, of the eighty-seventh chapter of the General Statutes, shall be laid on file or disposed of except by trial, judgment, acquittal or sentence, as the case may be, according to the regular course of proceedings in criminal cases, unless in any case the purposes of justice require other disposition thereof, to be shown upon a written motion setting forth specifically the reasons therefor, and verified by affidavit where facts are relied on ; and in such case the motion shall be allowed only upon the certificate of the presiding magistrate or judge, that he is satisfied that the cause relied on exists, and that the interests of public justice require the allowance thereof, which certificate shall be filed in the case.

Prosecutions for liquor selling, any immoral business, or interest therein, not to be varied from regular criminal course, except for reason certified by judge.

SECTION 2. It shall be the duty of the judges, by a frequent examination of the dockets of their several courts, to see that the provisions of this act are strictly complied with.

Strict compliance required.

SECTION 3. Nothing in this act shall be construed to affect in any way the course of proceedings where exceptions are pending.

Exceptions pending, Act not to apply.

Approved May 12, 1865.

AN ACT PROVIDING FOR ADDITIONAL TRUSTEES FOR THE NAUTICAL BRANCH OF THE STATE REFORM SCHOOL. *Chap. 224*

Be it enacted, §c., as follows :

SECTION 1. The government of the Nautical Branch of the State Reform School shall hereafter be vested in a board of seven trustees.

Number trustees established.

SECTION 2. The trustees now in office, appointed by the governor and council, shall continue to hold their offices until the terms thereof expire, according to the provisions of this act.

Incumbents to hold terms under section three.

SECTION 3. As soon as convenient after the passage of this act, the governor and council shall appoint two additional trustees. The term of office of the senior member, as they stand arranged on the list of their appointment, shall terminate on the first Wednesday in February in each year, and the name of the person appointed to fill the vacancy shall be placed at the bottom of the list. Other vacancies may at any time be filled, and the name of the person appointed shall be substituted in the list for the remainder of the vacant term, and any person may be reappointed.

Two additional.

Terms of trustees to expire first Wednesday in February.

Other vacancies, how filled.

Appointees of board of trade and marine society to hold present terms, and one by each made annually.

Removable for cause.

Expenses allowed

Repeal: G. S. § 12, ch. 76.

The trustees now in office, by appointment from the Boston Board of Trade and the Boston Marine Society, respectively, shall remain in office for the term for which they are appointed, and the said Board of Trade and the said Marine Society shall each, annually, appoint one trustee for the term of one year from the said first Wednesday in February, who, with the five trustees appointed by the governor and council as aforesaid, shall constitute the board. The trustees shall be removable only for sufficient cause.

SECTION 4. The trustees shall receive no compensation for their services, but shall be allowed all expenses incurred by them in the discharge of their duties.

SECTION 5. Section thirteen of chapter seventy-six of the General Statutes, and so much of section twelve of the same chapter as is inconsistent with this act, are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved May 12, 1865.

Chap. 225 AN ACT IN ADDITION TO AN ACT RELATING TO THE CAMBRIDGE CEMETERY.

Be it enacted, &c., as follows:

Act of '55, ch. 44, § 4, amended.

The fourth section of the forty-fourth chapter of the acts of the year eighteen hundred and fifty-five is hereby amended by substituting December for January in the second line thereof.

Approved May 12, 1865.

Chap. 226 AN ACT TO INCORPORATE THE ADAMS SUGAR REFINERY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Seth Adams, Isaac Adams and George H. Everson, their associates and successors, are hereby made a corporation by the name of the Adams Sugar Refinery, for the purpose of refining sugar in the city of Boston; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relative to such corporations.

Purpose.

Powers.

Capital stock.

Shares.

Real estate.

Payment of capital.

SECTION 2. The capital stock of said corporation shall not exceed seven hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and said corporation may hold for the purpose aforesaid real estate to an amount not exceeding four hundred and fifty thousand dollars, and shall not commence business until two hundred thousand dollars of its capital stock shall have been paid in.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1865.

AN ACT TO AMEND AN ACT INCORPORATING THE NEW ENGLAND STEAM PACKET COMPANY. *Chap. 227**Be it enacted, §c., as follows :*

The New England Steam Packet Company are hereby authorized and empowered to run any of their steam-ships or steam propellers to the ports of Saco and Biddeford in the state of Maine, and to employ the same in transporting passengers and freight between the port of Boston, and the said ports of Saco and Biddeford. *Approved May 12, 1865.*

May transport between Boston, Saco and Biddeford.

AN ACT RELATING TO THE COMPENSATION OF MEMBERS AND OFFICERS OF THE LEGISLATURE. *Chap. 228**Be it enacted, §c., as follows :*

SECTION 1. Sections thirteen, fourteen, eighteen and nineteen of the second chapter of the General Statutes are hereby repealed.

G. S. §§ 13, 14, 18, 19, ch. 2, repealed.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1865.

AN ACT TO CHANGE THE NAME OF THE THIRD BAPTIST SOCIETY IN HAVERHILL. *Chap. 229**Be it enacted, §c., as follows :*

The Third Baptist Society in Haverhill shall hereafter be called and known by the name of the Portland Street Baptist Society.

Approved May 13, 1865.

AN ACT RELATING TO THE SETTLEMENT AND RELIEF OF PERSONS WHO HAVE SERVED IN THE ARMY AND NAVY OF THE UNITED STATES. *Chap. 230**Be it enacted, §c., as follows :*

SECTION 1. Any person who shall have been duly enlisted and mustered into the military or naval service of the United States, as a part of the quota of any city or town in this Commonwealth, under any call of the president of the United States, during the recent civil war, and who shall have continued in such service for a term not less than one year, or who shall have died or become disabled from wounds or disease received or contracted while engaged in such service, or while a prisoner in the hands of the enemy, and the wife or widow and minor children of such person, shall be deemed thereby to have acquired a settlement in such city or town ; and all the rights, duties and liabilities pertaining to such settlement, as set forth in chapters sixty-nine and seventy, and in section forty-nine of chapter seventy-one of the General Statutes, shall attach thereto : *provided*, such person was, at the time of his enlistment, of the age of twenty-one years, an inhabitant of said city or town, and had resided therein for six months next previous to the time of his being mustered into said service.

Soldier or sailor serving one year, and dying, being disabled or captured, to be deemed resident of town of whose quota he was.

Proviso : to have been of age and in town six months.

Nevertheless, if in distress therein, himself and family to be entitled to support.

SECTION 2. Any person enlisted, mustered and serving as a part of the quota of any city or town as set forth in the first section of this act, but who shall not be entitled to a settlement therein by reason of the want of age or residence required by said section, shall, nevertheless, be entitled for himself, his wife or widow, and minor children, to relief and support in such city or town, if at any time they should fall into distress therein, or stand in need of such relief or support; and such city or town shall not send such person, nor his wife or widow, nor his minor children, to any state almshouse, nor remove them to any other place, nor recover the expenses of their relief or support from any other city or town, nor receive the same from the Commonwealth; and if any city or town shall cause any such person so entitled to relief therein to be sent to any state almshouse, or removed to any other place, such city or town shall be liable, in an action of tort, for all expenses of their relief and support thereafter incurred in such almshouse, or by any other city or town. But, otherwise than as above provided, said city or town shall not be liable to any other city or town, nor to the Commonwealth, for the expenses of any relief or support furnished to such person, or to his wife, widow or minor children, in such other place or in any state almshouse.

Town evading to be liable for expense.

Double enlistment or dishonorable leave to disentitle.

SECTION 3. The provisions of this act shall not apply to any person who shall have enlisted and received a bounty for such enlistment in more than one town, unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who shall have been guilty of wilful desertion, or who shall have left the service otherwise than by reason of disability or an honorable discharge.

Approved May 13, 1865.

Chap. 231

AN ACT IN RELATION TO COMMISSIONS OF CERTAIN OFFICERS.
Be it enacted, &c., as follows:

Justices and notaries to be notified of limits of tenure.

SECTION 1. It shall be the duty of the secretary of the Commonwealth to send a notice, by mail, to every person commissioned as a justice of the peace or notary public, of the time of expiration of his commission, not more than thirty nor less than fourteen days before such expiration.

Penalty for extra-official act after notice.

SECTION 2. If any person who has received such notice shall presume to act in any official manner after the expiration of his commission, he shall pay a fine of not less than one hundred dollars nor more than five hundred dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1865.

AN ACT RELATING TO STATE AID.

Chap. 232

Be it enacted, &c., as follows:

SECTION 1. Any town or city may raise money by taxation or otherwise, and, if necessary, apply the same, under the direction of their selectmen, or mayor and aldermen, or city council, for the aid of the wife, children or step-children, parents, brothers or sisters of any person upon whom they were dependent, whether an inhabitant of said town or city or not, (*provided* only that those to whom aid is given shall reside within the United States,) who, as a part of the quota of this Commonwealth, and of said town or city, either,

Town may raise and apply money for dependents of U. S. soldiers and sailors.

First. Has been duly enlisted and mustered into the volunteer service of the United States, or into the regular military service, since the third day of September, in the year eighteen hundred and sixty-two, and remains actually in said military service; or,

Conditions: of volunteer mustered since Sept. 3, '62.

Second. Has been drafted into the army of the United States under any act of Congress, and remains actually in said military service; or,

Drafted under U. S. law.

Third. Has been duly enlisted into the naval service of the United States, or transferred to such service from the military service: *provided*, that he is credited to such town or city under the enrolment laws of the United States; or,

In navy, credited to town under U. S. laws.

Fourth. Who may have died after being duly mustered into the military or naval service of the United States upon voluntary enlistment or draft, or upon transfer from the military to the naval service, first, while in the service of the United States, or second, after his discharge therefrom by reason of disability or disease contracted while in the service, or third, after his discharge at the expiration of his term of service, but in consequence of disease or injury contracted or received in the service and existing at the time of his discharge: *provided*, that no sum shall be so applied for a period of more than one year, or after the payment to the family and dependents of such person, or either of them, of any sums under the pension act of the United States passed July fourteenth, in the year eighteen hundred and sixty-two; and *provided, further*, that they were entitled to such aid prior to his decease or discharge.

Having died after muster into army or navy.

Provisos.

Fifth. Who may have been disabled while in the service of the United States, as aforesaid, and discharged from said service by reason of such disability, or by reason of the expiration of his term of service: *provided*, that said disability was contracted in or caused by said service, and existed at the time of discharge, thereby rendering said person unable to provide for those dependent upon him; and, *pro-*

Discharged for disability.

Provisos.

vided, also, that no sums shall be so applied for a period of more than one year, or after the payment to the family and dependents of such person, or either of them, of any sums under the pension act of the United States, passed July fourteenth, in the year eighteen hundred and sixty-two; and *provided, further*, that they were entitled to such aid prior to his discharge.

Foregoing to apply to citizens of Mass. enlisted in other states, and those transferred from R. I. by boundary.

SECTION 2. The foregoing provisions relating to state aid shall apply equally to those persons who enlisted as a part of the quota of any other state prior to the eighteenth day of March, in the year eighteen hundred and sixty-two, if, at the time of enlistment, they were inhabitants of any town or city in this Commonwealth, and to those also who, although not inhabitants of this Commonwealth at the time of their enlistment and muster into the military or naval service of the United States, have become such by the establishment of the boundary line between this Commonwealth and the state of Rhode Island.

State to reimburse town, not exceeding \$12 per month for dependents of person.

SECTION 3. Of the sums applied, as aforesaid, there shall be annually reimbursed from the treasury of the Commonwealth to the town or city so applying the same, a sum not exceeding one dollar per week for the wife, and one dollar per week for each child and parent to whom aid is furnished: *provided*, that the whole sum so reimbursed shall not exceed twelve dollars per month for all such persons dependent upon any individual at the time he was or shall be duly enlisted and mustered or drafted into the military or naval service of the United States; including herein the wife of any such individual married, and any child of such individual born, after such enlisting and mustering or drafting; and *provided, also*, that no such reimbursement shall be made of money applied for the aid of any wife, child or parent aforesaid, of any commissioned officer in said volunteer service, nor for the aid of any person dependent upon any volunteer from this Commonwealth, enlisted into regiments of any other state, who receive aid from such other state.

Provisos.

Annual report of municipality to be made on fifth Jan. to auditor of Commonwealth.

SECTION 4. On or before the fifth day of January in each year, there shall be deposited in the office of the auditor of the Commonwealth, by each town and city raising and applying money, as aforesaid, a full and particular report, setting forth the names of the soldiers and sailors, for the aid of whose families money has been applied as aforesaid, the names and ages of the several persons for the aid of whom money has been applied as aforesaid, the relation such persons severally bear to such soldiers or sailors, the sums paid to each of such persons, and the time when the same were

paid. And no reimbursement shall be made from the treasury of the Commonwealth to such town or city, as herein before provided, until such report has been sworn to by a majority of the selectmen of such town, or the mayor and a majority of the aldermen of such city, deposited as aforesaid, and carefully examined, scrutinized and approved by said auditor.

Must be sworn by officers making and approved by auditor.

SECTION 5. All the laws now in force in aid of the families of volunteers and drafted men, may be so construed as to authorize the payment of aid retroactively, so as to include any aid to which any person might have been entitled if seasonably applied for, prior to the application for the same: *provided, however*, that such retroactive payment shall not extend beyond the period of six months prior to said application.

Laws may be construed retroactively for aid six months.

SECTION 6. Chapter two hundred and twenty-two of the acts of the year eighteen hundred and sixty-one; chapter sixty-six, chapter one hundred and fifty-one, and chapter one hundred and sixty-six, of the acts of the year eighteen hundred and sixty-two; chapter seventy-nine, and chapter one hundred and seventy-six, of the acts of the year eighteen hundred and sixty-three; sections one and two of chapter one hundred and forty-three, and chapter forty-seven, of the acts of the year eighteen hundred and sixty-four, are hereby repealed: *provided*, that this act shall affect no acts or doings of any city or town which have been legalized by any provisions of the foregoing chapters.

Acts of '61, '62, '63, and sections of '64, repealed.

Proviso.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1865.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY JOSEPH RUSSELL BRADFORD, AS A JUSTICE OF THE PEACE.

Chap. 233

Be it enacted, &c., as follows:

SECTION 1. All acts done by Joseph Russell Bradford, of Boston, esquire, as a justice of the peace within and for the county of Suffolk, between the thirtieth day of October in the year eighteen hundred and sixty-two and the third day of May in the year eighteen hundred and sixty-five, are hereby made valid and confirmed to the same extent as they would have been valid had he been during the interval duly qualified to discharge the duties of the said office.

Acts of 30th Oct. '62, to 3d May '63, confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1865.

AN ACT IN RELATION TO THE APPOINTMENT OF COLLECTORS OF TAXES BY SELECTMEN.

Chap. 234

Be it enacted, &c., as follows:

SECTION 1. When a collector fails to give the bond required by section seventy-two of chapter eighteen of the

Collector failing to give bond. G. S. ch. 18, § 72.

another may be appointed under § 42.

General Statutes, the selectmen may appoint another collector in the manner and subject to the provisions set forth in section forty-two in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1865.

Chap. 235

AN ACT CONCERNING THE BOUNTY AND PAY OF MINORS.

Be it enacted, &c., as follows :

Not subject to process for debts of parents : transfer to minor not fraud of creditor.

The bounty and pay of a minor enlisted in the military or naval service of the United States, shall not be subject to legal process on account of debts due from his parent, and the transfer of such bounty or pay by the parent to such minor shall not be deemed fraudulent as to creditors.

Approved May 13, 1865.

Chap. 236

AN ACT CONCERNING PROXY VOTING BY OFFICERS OF CORPORATIONS.

Be it enacted, &c., as follows :

Not to represent more than twenty shares unless for one person : salaried officer not to act.

SECTION 1. No officer of any corporation shall, as proxy or attorney, cast more votes than represent twenty shares of the capital stock, unless all the shares so represented by him are owned by one person. No salaried officer of any corporation shall vote as proxy or attorney. No officer of any corporation shall ask for, receive, procure to be obtained or use any proxy vote in the corporation of which he is an officer, except the votes he is hereby authorized to cast.

Penalty for violation by officer.

SECTION 2. Any officer of any corporation who shall violate any of the provisions of this act, shall, for each offence, forfeit and pay a fine of not less than one hundred dollars nor more than five hundred dollars ; and the supreme judicial court, upon petition of any stockholder in such corporation, and after due notice and satisfactory proof of such offence, shall cause such officer to be forthwith removed from his office ; and such removal shall forever after disqualify him from holding office in such corporation.

May be disqualified for holding.

Approved May 13, 1865.

Chap. 237

AN ACT RELATING TO WARREN BRIDGE AND CHARLES RIVER BRIDGE.

Be it enacted, &c., as follows :

Upon acceptance of Act by Boston and Charlestown, bridges to become highways ; cities to maintain and receive income.

SECTION 1. Whenever this act shall be accepted by the city council of the city of Boston, and by the inhabitants of Charlestown, as hereinafter provided, Warren bridge and Charles River bridge shall become highways, and such portions of them as are within the limits of each of said cities, shall be maintained as such by Boston and Charlestown, respectively, and all property in and appertaining to said bridges, or either of them, now held by the Commonwealth, shall become the property of said cities, as hereinafter pro-

vided; and said cities shall, within their respective limits, have authority to maintain said bridges, and the piers and other structures appertaining thereto, and they shall receive all the rents and income which may be derived from the use of such structures, to be apportioned between them, as hereinafter provided.

SECTION 2. Each of said cities shall maintain, in good repair, the draw of one of the bridges, and shall open the same and afford all necessary and proper accommodations to vessels having occasion to pass the same by day or by night.

Draws to be preserved and tended

SECTION 3. Whenever said cities shall have accepted this act, as herein provided, and shall have severally filed a notice of their acceptance with the secretary of the Commonwealth, all moneys, funds, properties and other things belonging to the Charles River and Warren bridges, or either of them, and held by the treasurer and receiver-general, or by any other agent of the Commonwealth, shall, after payment therefrom of all liabilities then outstanding on account of said bridges, be paid over and delivered to said cities, in such proportions to each as may be determined pursuant to this act.

Certificates of acceptance of Act to secretary of Commonwealth to authorize transfer of properties to cities.

SECTION 4. The Middlesex Railroad Company, and any other corporation which may have authority to run street railway cars or other vehicles for the business of carrying passengers over said bridges, or either of them, shall pay to said cities, as a consideration for being released from all liability to pay tolls for passing said bridges, or either of them, with their tracks and cars or other vehicles, and from all liability to any other payment for maintaining said bridges, or for the use of them by said corporation, such sums as may be agreed upon by the parties, or, in case of failure to agree, such sums as may be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either of said cities or corporations, and notice to the other parties, and the award of said commissioners, or a major part of them, being returned to and approved by the court, shall be binding upon the parties, unless said award shall be an annual payment, in which case the same may be revised or altered by commissioners in like manner appointed; but no such revision or alteration shall be made within ten years of the acceptance of such award.

Railway corporations to pay cities for use of bridges as may be agreed, or awarded by commissioners appointed by S. J. court.

SECTION 5. Said cities may by their city councils agree which of said draws they shall respectively maintain and manage, and in what proportion the moneys, funds, properties, rents and income, and also the sums paid by the Mid-

Revision of award

City councils may agree upon division of income, or on failure may have comm'rs.

dlesex Railroad Company or other corporation as aforesaid, shall be divided between them, and in case of their failure to agree, all the said matters shall be determined by three commissioners, to be appointed by the supreme judicial court upon the petition of either party, and notice to the other, and the award of said commissioners, or a major part of them being returned to and approved by the court, shall be binding upon the parties.

Boston not to be relieved from duties at Warren bridge pertaining to water works, nor Middlesex R. Co. from its obligations.

SECTION 6. Nothing in this act shall release the city of Boston from its obligation to keep in repair all that part of Warren Bridge connected with its water works, nor from its liability for any damage arising from any defect in, or accident to said works, nor shall release the Middlesex Railroad Company from any legal obligation now existing to maintain and keep in repair any portion of said bridges, nor from any liability for loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants in the management, construction or use of its tracks on said bridges.

Compensation of commissioners.

SECTION 7. The compensation of commissioners under the provisions of this act shall be determined by the court which appoints them, and shall be paid by such party or parties in such proportions as the commissioners may determine.

Act to be accepted by council of Boston and voters of Charlestown.

SECTION 8. The foregoing sections of this act shall take effect whenever accepted by the city council of Boston, and by vote of the inhabitants of Charlestown qualified to vote in city affairs; and the mayor and aldermen of the city of Charlestown are hereby authorized, from time to time, to call legal meetings to be held in the several wards of said city, to determine, by voting yea or nay, upon the acceptance of this act.

Approved May 13, 1865.

Chap. 238

AN ACT TO INCORPORATE THE NORTH WEYMOUTH CEMETERY ASSOCIATION.

Be it enacted, §c., as follows :

Corporators.

SECTION 1. Francis E. Loud, Thomas H. Humphrey, Elnathan Bates, their associates and successors, are hereby made a corporation by the name of the North Weymouth Cemetery Association, for the purpose of holding, managing and perpetuating a place for the burial of the dead in the town of Weymouth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, as provided in chapter twenty-eight of the General Statutes.

Purpose.

Powers.

North parish may convey estate to.

SECTION 2. The North Parish in Weymouth is hereby authorized, whenever said corporation shall be duly organ-

ized, to release and convey to said corporation by a deed executed by the treasurer of said parish, the whole of the real estate and rights of property now held and set apart by said parish as a burial ground of the dead.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1865.

AN ACT CONCERNING RAILROAD CROSSINGS AT GRADE.

Chap. 239

Be it enacted, &c., as follows:

SECTION 1. The county commissioners, within their respective counties, upon the application of any railroad corporation authorized to construct its road across a turnpike, highway or town way, or upon the application of the proprietors of any turnpike, the mayor and aldermen of any city, or the selectmen of any town, in which such crossing is situated, after due notice to all parties interested, and after hearing the parties, may, if public necessity requires, authorize and require the railroad corporation to construct its railroad at such crossing upon a level with such turnpike or way, in such manner as they may direct; and said commissioners may, at any time before the construction of the railroad at said crossing, revoke any order made by them, or by the board of railroad commissioners, and make such new order in the premises as the public necessity requires.

County commissioners upon request of railroad corporation or government of city or town in which is crossing, may direct construction.

SECTION 2. Whenever said commissioners shall be of the opinion that the security of the public requires that gates or bars be erected across any turnpike, highway or town way to be crossed by a railroad at grade, or that a flagman be stationed at said crossing, they may order said railroad corporation to construct such gates or bars, or to station a flagman there while an engine or train passes; and any corporation which unreasonably neglects or refuses to comply with any such order, made as aforesaid, shall forfeit for every such refusal or neglect a sum not exceeding one thousand dollars.

Commissioners deeming gates, bars or flagmen necessary, may direct same.

Penalty for neglect by corporation.

SECTION 3. The one hundred and fifty-second chapter of the acts of the year one thousand eight hundred and sixty-four is hereby repealed.

Act of '64, repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 15, 1865.

AN ACT CONCERNING THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 240

Be it enacted, &c., as follows:

The sum of ten thousand dollars is hereby granted to the Massachusetts Agricultural College, to aid in its establishment.

Money grant.

Approved May 15, 1865.

Chap. 241 AN ACT IN RELATION TO THE MASTER OF THE HOUSE OF CORRECTION
IN THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows :

Appointment to
be by directors of
institutions in
Boston.

SECTION 1. Section nineteen of chapter one hundred and seventy-eight of the General Statutes, is so amended as to provide that the master of the house of correction in the county of Suffolk shall be appointed by the board of directors for public institutions of the city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1865.

Chap. 242 AN ACT RELATING TO RETURNS AND TAXATION OF SHARES IN ASSO-
CIATIONS FOR BANKING ESTABLISHED UNDER THE LAWS OF THE
UNITED STATES.

Be it enacted, &c., as follows :

Assessors of town
having bank to
obtain in May
list of share-
holders.

SECTION 1. The assessors of every city and town in this Commonwealth, in which any association for the purposes of banking is or shall be established by authority of the United States, shall annually, between the first and tenth day of May, obtain from the proper officers of such association a full and correct list of the names and residences of all shareholders in the association, and the number of shares held by each ; they shall also ascertain the amount of the capital stock of such association, the par value and the fair market value of each share, and the amount and value of real estate held and owned by such association, and where the same is located.

Also capital,
value of shares,
and estate.

Assessors of sev-
eral towns to have
copies.

SECTION 2. It shall be the duty of such assessors, on or before the first day of June in each year, to transmit to the assessors of the several cities and towns of the Commonwealth a true copy of the list and a correct statement of the other facts required to be obtained in accordance with the first section of this act.

Shareholder to
have shares in-
cluded in tax
by assessors of
town.

SECTION 3. The assessors of each city and town in which any shareholder in such association resides, shall include all shares in such associations held by persons resident and liable to taxation in said city or town, in the valuation of the personal property of such person, for the assessment of all taxes imposed and levied in said town by authority of law, to be assessed at the same rate, and subject to the same deductions as shares of state banks and other moneyed corporations in the hands of the citizens of such city or town.

Information and
returns of '65.

SECTION 4. The information required by this act to be obtained annually, between the first and tenth days of May, may be obtained the present year on or before the tenth day of June, and the returns required by the provisions of this act to be made on or before the first day of June shall be made the present year on or before the first day of July.

SECTION 5. The assessors of the city of Boston shall be entitled to have the time for the services and returns required by this act, extended for a period of twenty days from the respective dates therein fixed.

Assessors of Boston, grace to allowed.

SECTION 6. This act shall take effect upon its passage.
Approved May 15, 1865.

AN ACT TO ESTABLISH THE SALARIES OF THE CLERKS EMPLOYED BY THE SECRETARY OF THE BOARD OF AGRICULTURE. *Chap. 243*

Be it enacted, &c., as follows :

The annual salaries of the clerks employed by the secretary of the board of agriculture shall be one thousand dollars each, to be computed from and after the first day of January last.

Approved May 15, 1865.

AN ACT CONCERNING THE STORAGE OF PETROLEUM AND OTHER EXPLOSIVE SUBSTANCES. *Chap. 244*

Be it enacted, &c., as follows :

SECTION 1. Whoever stores or keeps petroleum, kerosene, naphtha or benzine, separately or together, in a greater quantity than five hundred gallons in one locality in any city or town, without a license from the mayor and aldermen or selectmen thereof, shall forfeit a sum not exceeding one thousand dollars.

Forfeiture for more than 500 gallons in one place.

SECTION 2. The city council of any city or the selectmen of any town may adopt such rules and regulations in relation to the storage, keeping and sale of petroleum, kerosene, naphtha and benzine, within its limits, as they deem reasonable, and may affix penalties for breaches thereof, not exceeding twenty dollars for each offence.

Cities and towns may establish rules and penalties.

Approved May 15, 1865.

AN ACT RELATING TO PETITIONS TO THE GENERAL COURT. *Chap. 245*

Be it enacted, &c., as follows :

The secretary of the Commonwealth shall, on the first Wednesday of January in each year, publish in the newspaper wherein are published, pursuant to law, the general laws and other official information, a complete list of all petitions intended to be presented to the general court of that year, of which he may have had official notice ; in which list shall be stated the name of the leading petitioner in each case, the objects of the petition, the name and location of the newspaper approved by him for publication, and the date of such approval.

Secretary to publish list in official paper.

Approved May 15, 1865.

Chap. 246 AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE BOARD OF EDUCATION.

Be it enacted, &c., as follows :

Salary and travel
expense; how
paid.

SECTION 1. The secretary of the board of education shall receive an annual salary of twenty-five hundred dollars, and also four hundred dollars in full compensation for his traveling expenses, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1865.

Chap. 247 AN ACT TO ESTABLISH THE SALARIES OF CERTAIN PUBLIC OFFICERS.

Be it enacted, &c., as follows :

Treasurer.

SECTION 1. The salary of the treasurer and receiver-general of the Commonwealth shall be at the rate of three thousand dollars per annum.

Auditor.

SECTION 2. The salary of the auditor of the Commonwealth shall be at the rate of two thousand five hundred dollars per annum for the current year.

Adj't-general.

SECTION 3. The salary of the adjutant-general shall be at the rate of two thousand five hundred dollars per annum for the current year.

Secretary.

SECTION 4. The salary of the secretary of the Commonwealth shall be at the rate of two thousand five hundred dollars per annum for the current year.

Clerks, first and
second, of depart-
ments.

SECTION 5. The salaries of the chief clerks of the treasurer, secretary, adjutant-general and auditor's departments, shall be at the rate of eighteen hundred dollars per annum. The salaries of the second clerks in the treasurer's, auditor's and secretary's departments, shall be at the rate of sixteen hundred dollars per annum for the current year.

SECTION 6. The salaries named in the preceding sections shall be paid from the first day of January of the present year.

SECTION 7. This act shall take effect upon its passage.

Approved May 16, 1865.

Chap. 248 AN ACT TO AID THE CONSTRUCTION OF THE EUROPEAN AND NORTH AMERICAN RAILWAY.

Be it enacted, &c., as follows :

Upon payment of
bonds and interest
by Maine, treasurer
with executive, to give
same to Maine
or the European
and No. American
Railway Co.

SECTION 1. Whenever the amount remaining unpaid and the interest thereon of the bonds of the state of Maine, given in payment for the public lands in Maine, sold by the Commonwealth of Massachusetts in the year eighteen hundred and fifty-three, shall be paid into the treasury of the Commonwealth, the treasurer and receiver-general shall, under the direction of the governor and council, surrender said

bonds to the state of Maine, or assign them to the European and North American Railway Company, as the governor and council may determine.

SECTION 2. The Commonwealth of Massachusetts hereby assigns to the state of Maine, in trust for said company, to aid in the construction of the railroad of said company between Bangor and New Brunswick, the claims held jointly with said state of Maine against the United States.

Assignment to Maine, in trust for company, of joint claims upon U. S.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1865.

AN ACT TO ESTABLISH A STATE POLICE.

Chap. 249

Be it enacted, &c., as follows:

SECTION 1. There shall be appointed by the governor, with the consent of the council, an officer to be entitled the constable of the Commonwealth, who shall be commissioned to hold office for three years, unless sooner removed. Such officer shall reside in the city of Boston, and keep an office at some place therein, to be approved by the governor: he shall appoint as many deputies as the governor and council may direct, having at least one deputy in each county of the Commonwealth, and at least twenty deputies in the county of Suffolk.

Constable of Commonwealth, appointment, residence and deputies.

SECTION 2. The said constable of the Commonwealth and his deputies shall have and exercise all the common law and statutory powers of constables, except the service of civil process, and also all the powers given to the police or watchmen by the statutes of the Commonwealth, or the charters or ordinances of the several cities, concurrently with such officers, and their powers as constables shall extend throughout the Commonwealth. Said constable and his deputies shall at all times obey all orders of the governor in relation to the preservation of the public peace, or the execution of the laws throughout the Commonwealth, and it shall be their duty to see that the laws of the Commonwealth are observed and enforced; and they shall especially use their utmost endeavors to repress and prevent crime, by the suppression of liquor shops, gambling places and houses of ill-fame.

Powers of constable and deputies defined.

SECTION 3. The constable of the Commonwealth shall be paid out of the treasury of the Commonwealth an annual salary of two thousand dollars in equal quarterly payments, and his deputies shall be paid at the rate of three dollars per day when on duty. When required to travel on duty from one city or town to another, they shall be allowed the same compensation which is allowed by law to sheriffs and their deputies. The accounts of the deputy constables shall be

Shall obey orders of governor and see that laws be executed.

Salary of constable and per diem of deputies.

Travel.

Accounts of dep-
uties to be sworn
and approved,
audited and paid.

verified by the affidavits of said constables, and shall be approved by the constable of the Commonwealth, before being presented to the auditor of the Commonwealth, and when duly audited shall be paid out of the treasury of the Commonwealth.

Constable, with
approval of gov-
ernor and coun-
cil, to fix rules
for deputies.

SECTION 4. The constable of the Commonwealth, with the approval of the governor and council, shall make all needful rules for the regulation of the police duties of his deputies, and he shall see to it that not less than six deputies shall be on police duty at all hours of the day and night in the city of Boston, for the prevention of crime and the enforcement of the criminal laws of the Commonwealth.

Governor may
direct, or author-
ize constable to
direct, civil force
of state.

SECTION 5. The governor shall have power at all times in any emergency, of which he shall be the judge, to assume command of the whole or any part of the municipal police and constabulary force in any place, and to authorize the constable of the Commonwealth to command their assistance in the execution of criminal process, in suppressing riots, and in preserving the peace.

Approved May 16, 1865.

Chap. 250

AN ACT TO AMEND CERTAIN ACTS CONCERNING THE MILITIA.

Be it enacted, &c., as follows :

Portions of Acts,
ch. 38, '64, and
19, '65, relating to
services suspended

SECTION 1. So much of the two hundred and thirty-eighth chapter of the acts of the year eighteen hundred and sixty-four, and so much of chapter nineteen of the acts of the year eighteen hundred and sixty-five, as relates to the organization, equipment and performance of military service by the active militia, is hereby suspended; and the said active militia shall be subject to active duty only as provided for the reserve militia in section twelve of the two hundred and thirty-eighth chapter of the acts of the year eighteen hundred and sixty-four; and the parade for inspection, company drill and manœuvre, required by said chapter to take place on the first Wednesday of May in each year, shall hereafter take place on the last Wednesday of May in each year.

Active militia. §
12, ch. 238, '64,
to apply.

Parade for in-
spection, time
changed.

Requirements for
arms, etc., and
upon towns for
armories, sus-
pended.

SECTION 2. The operation of so much of the several acts concerning the militia as requires cities and towns to furnish armories to the active militia, and of so much of the said acts as requires arms and uniforms to be issued to the active militia, is suspended so long as the first section of this act remains in force.

Duties of militia.

SECTION 3. The volunteer militia shall perform all duties required of the volunteer militia by chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four; and any existing company of the active militia may become a volunteer company, in the discretion of the commander-in-chief.

Active company
may become vol-
unteer.

SECTION 4. The whole number of volunteer companies in the Commonwealth, exclusive of the two corps of Cadets, shall not exceed one hundred companies of infantry and heavy artillery, six companies of cavalry, five companies or batteries of light artillery, and one company of engineers.

Volunteer companies defined and limited.

SECTION 5. Section one hundred and forty-three of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four, is hereby amended so as to provide that the pay of the officers therein enumerated for each day's duty in camp shall be six dollars, and the pay of the non-commissioned officers therein enumerated for each day's duty in camp shall be three dollars.

Pay of officers in camp: Act of '64 amended.

SECTION 6. Section one hundred and forty-five of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four, is hereby amended so as to provide that the pay of the several officers and soldiers therein mentioned shall be as follows:—Every officer shall receive for each day's duty in camp, and for the duty required to be performed upon the last Wednesday in May, three dollars; and each non-commissioned officer and soldier shall receive two dollars and fifty cents. Every member of a band shall receive, for services performed in obedience to orders, at the rate of five dollars a day while on duty. Every member of a mounted company shall receive five dollars a day, in addition to the compensation herein before provided, which shall include keeping and forage for horses.

Officers and soldiers named in § 145, ch. 238 of '64, pay established.

SECTION 7. Section ninety-six of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four, is amended so that the delivery of the written or printed notice therein described, to any member of a company, shall be deemed legal notice. Section twenty-four of chapter two hundred and thirty-eight of the acts of eighteen hundred and sixty-four is hereby amended, by striking out the word "brigade," wherever it occurs, and inserting the word "regiment," and by striking out the words "brigade inspector," and inserting the word "adjutant."

Notice prescribed in § 96, Act '64, to be deemed legal: § 24, organization of bands, amended.

SECTION 8. A company may remain unattached to any regiment, brigade or division, or may be attached to a brigade or division, whenever, in the opinion of the commander-in-chief, the interests of the service require it; and the commanding officer of any such unattached company shall sign the warrants of the non-commissioned officers of said company, who may have been duly appointed, and any warrant so signed shall be in all respects valid: *provided*, that any company attached to a brigade or division shall be subject to the orders of the brigade or division commander,

Unattached company may be attached.

Warrants, how issued.

Proviso.

according to the provisions of the nineteenth section of chapter two hundred and thirty-eight of the acts of eighteen hundred and sixty-four.

Such company may be drilled in squads by order of commander.

SECTION 9. Whenever any such unattached company is so situated that the soldiers cannot be conveniently assembled at one place for monthly drills, the commanding officer of said company may order the same to be drilled in squads, not exceeding three to a company, under the provisions and restrictions of section one hundred of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four; and each of said squads shall be commanded by a commissioned officer of the company.

Cities and towns to provide armories for squads.

SECTION 10. Whenever any company is legally divided into squads, the mayor and aldermen and selectmen of the cities and towns wherein said squads are ordered to drill, shall provide, within the limits of said town, a suitable armory or place of deposit for the arms, equipments and equipage of said squad: *provided*, that the expense of all of said armories shall not exceed the reasonable cost or expense of an armory for the entire company. Each of said armories shall be under the immediate supervision of the officer in command of the squad, who shall be responsible for the safety and proper care of said arms, equipments and equipage of his squad.

Proviso.

Supervision of armory.

Signature of volunteer legal enlistment.

SECTION 11. Whenever a volunteer company is formed, the signatures of the members thereof to an enlistment roll, issued from the office of the adjutant-general, shall constitute a legal enlistment.

Commander of regiment may discharge soldier.

SECTION 12. The commander of a regiment may discharge any non-commissioned officer or private in the regiment, whenever the captain of his company unreasonably refuses to make application for such discharge under the provisions of chapter two hundred and thirty-eight, section twenty-three, of the acts of the year eighteen hundred and sixty-four.

Governor may grant or prohibit discharge.

SECTION 13. The commander-in-chief may, whenever in his opinion the interests of the service require it, discharge any non-commissioned officer or private of a volunteer company, and by general or special order may prohibit the granting of discharges to non-commissioned officers or privates, whose term of service has not expired.

Soldier disorderly or behaving with contempt may be under guard.

SECTION 14. For any offence mentioned in section one hundred and fourteen of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four, the delinquent may be put and kept under guard by the commander of the company, regiment, or of the field, for a time not extending beyond the time of service for which he is ordered out.

SECTION 15. Section seventy-three of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four, is hereby amended, by striking out all after the word "duty" in the third line.

Uniforms: § 73,
ch. 238, '64,
amended.

SECTION 16. The term of enlistment in the volunteer service shall be five years; and any volunteers now in service, who may have enlisted for six years, shall be entitled to their discharge at the expiration of five years from the date of their enlistment.

Term of service
to be five years.

SECTION 17. All companies of active militia which do not, within sixty days after the passage of this act, re-organize as volunteers, shall be disbanded, and their officers discharged by the commander-in-chief: *provided*, that such officers shall first have returned or accounted to the quartermaster-general for all uniforms, arms, equipments and other property belonging to the Commonwealth, for which they may be responsible.

Active militia to
reorganize or be
disbanded.

Proviso.

SECTION 18. It shall be the duty of the assessors in the several cities and towns to prepare annually a list of all persons who may be living within their respective limits, and liable to enrolment, giving the name, age and occupation of each of such persons, and any facts which may determine his exemption from military duty, and place a certified copy of such list in the hands of the clerks of their respective cities and towns, on or before the first day of July in each year; and the said clerks shall return copies of such lists to the adjutant-general, on or before the tenth day of July in each year.

Assessors to pre-
pare list for en-
rolment.

Copies to be sent
adj't-general.

SECTION 19. Associations wholly composed of soldiers honorably discharged from the service of the United States, may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for the purpose of infantry escort duty at the burial of deceased soldiers, anything in the provisions of section one hundred and seventy-seven of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four to the contrary notwithstanding: *provided*, that the mayor and aldermen or selectmen of the cities or towns in which they desire to parade, shall give them written permission so to do.

Soldiers disch'd
U. S. service may
parade for escort
upon reception of
returning troops,
burials, &c.

Proviso.

SECTION 20. When the service will permit, the commander-in-chief shall dispense with the services of such of the officers of his staff named in the second clause of the twenty-fifth section of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-four as he may deem expedient, and direct their duties to be performed by other officers.

Governor's staff:
§ 25, Act '64,
modified.

Privates, minimum defined.

SECTION 21. The minimum number of privates to any company shall hereafter be fifty.

Tents, etc., governor may lend for schools.

SECTION 22. The governor is authorized to lend temporarily tents or camp materials, to be used by any military schools or academies in the state for encampments, at such times and under such restrictions as to him may seem proper: *provided*, satisfactory security is given for the safe-keeping and a proper return of the property.

Proviso.

Approved May 16, 1865.

Chap. 251 AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT RELATING TO STATE AID."

Be it enacted, &c., as follows :

Dependents of person voluntarily in U. S. service not entitled.

SECTION 1. No state aid shall be allowed to the parents, wife, children, brothers or sisters, of any person who shall hereafter enlist or re-enlist into the military or naval service of the United States, or shall voluntarily remain therein after an opportunity is given by the government of the United States to be honorably discharged therefrom.

Regiments in service to have copy of Act.

SECTION 2. The secretary of the Commonwealth shall cause attested copies of this act to be immediately forwarded to the commanding officers of Massachusetts regiments and batteries now in the service.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1865.

Chap. 252 AN ACT RELATING TO THE RECORDS OF DEEDS AND OTHER INSTRUMENTS BY CEMETERY CORPORATIONS.

Be it enacted, &c., as follows :

Corporat'n books of record for conveyances of lots to be valid as entry with registry of deeds.

SECTION 1. Whenever any cemetery corporation, created by special charter, or organized under the general laws of this Commonwealth, regularly keeps books in which are entered the records of all conveyances of burial lots within said cemetery made by the corporation to its individual members, or other persons, and all instruments of contract between such corporation and its individual members, or other persons, relating to such lots, such records shall have and be of the same force and effect as if made in the registry of deeds for the county where such cemetery is situated, and no other record shall be deemed necessary.

Previous records confirmed.

SECTION 2. The records of deeds and other instruments named in the first section, heretofore made by any such corporation, are hereby made valid and sufficient.

Copies certified by clerk to be legal evidence.

SECTION 3. The secretary or clerk of such corporation is authorized to give certified copies of all deeds and instruments recorded as aforesaid, and the same may be used in

evidence in the same manner as copies certified by the register of deeds.

SECTION 4. This act shall take effect upon its passage.

Approved May 16, 1865.

AN ACT FOR THE BETTER OBSERVANCE OF THE LORD'S DAY.

Chap. 253

Be it enacted, &c., as follows:

SECTION 1. Any person who shall discharge any firearms for sport, or in the pursuit of game, on the Lord's day, shall, upon conviction thereof, be punished by a fine not exceeding ten dollars.

Penalty for use of firearms.

SECTION 2. Whoever attempts to take or catch any fish on the Lord's day, by using any hook, line, net, spear or other implement, on any of the waters within this Commonwealth, shall, upon conviction thereof, be punished by a fine not exceeding ten dollars.

Attempting to take fish.

SECTION 3. All prosecutions under this act shall be instituted within thirty days from the time the offence is committed.

Prosecutions.

Approved May 16, 1865.

AN ACT CONCERNING ORDERS OF NOTICE IN PROBATE COURTS.

Chap. 254

Be it enacted, &c., as follows:

Chapter two hundred and sixty-five of the acts of the year eighteen hundred and sixty-four is hereby repealed, and no right, title or proceeding shall be affected by reason of any failure or omission heretofore to comply with the requirements thereof.

Repeal: ch. 265, '64; failure thereunder non-effective.

Approved May 16, 1865.

AN ACT TO ENABLE TOWNS TO SEPARATE UNITED SCHOOL DISTRICTS

Chap. 255

Be it enacted, &c., as follows:

SECTION 1. United school districts, in adjoining towns, may be separated by vote of such towns, whenever said towns shall have determined by mutual agreement, upon the appraised value, and mode of disposition of the property of such district, and the proportion of said appraised value to which each part of said district shall be entitled.

May act when terms shall have been agreed upon.

SECTION 2. Upon such separation, the property of the united district shall become vested in accordance with said previous agreement; and the town or school district which shall take possession thereof, shall be held to pay to the other town for the benefit of the school district therein, such sum or sums of money, and at such times as shall be determined by said previous agreement.

Property to be vested and payment made as per agreement.

SECTION 3. In case either town shall have abolished the other school districts therein, the proportion of the value of the property of such united district, to which the separate district in such town would be entitled upon such separation,

Town abolishing other districts adjustment of property to be under G. S. § 3, ch. 29

shall be adjusted, as far as may be practicable, in accordance with the provisions of section three of chapter thirty-nine of the General Statutes.

Division may be
by either town.

Provisos.

SECTION 4. Either town may cause any school district therein, which forms part of any such united district, to be separated therefrom, without the agreement provided for in section one: *provided*, that all the interest of such district in the school-houses and other property owned and used by such united district for school purposes, shall be relinquished, and shall, upon such separation, become vested in the remaining portions of such united district; and *provided, further*, that the interest of such district in such school-houses and property shall not be relinquished without the consent of such district.

Approved May 16, 1865.

Chap. 256

AN ACT IN RELATION TO SUPPORT OF GIRLS COMMITTED TO THE STATE INDUSTRIAL SCHOOL.

Be it enacted, &c., as follows:

Town of child's
residence to pay
fifty cents per
week.

SECTION 1. The city or town in which any girl committed to the state industrial school resides at the time of her arrest, upon notice and demand, shall quarterly, on the first days of January, April, July and October, pay to the treasurer of the school fifty cents a week during the time she remains therein. Any sum so paid may be recovered by such city or town of the parent, kindred or guardian liable by law to maintain her, or of the city or town in which she has her lawful settlement.

Party liable for
support held to
refund.

Repeal.

SECTION 2. The twenty-fourth section of the seventy-fifth chapter of the General Statutes is hereby repealed.

Approved May 16, 1865.

Chap. 257

AN ACT IN RELATION TO FILLING VACANCIES IN THE OFFICE OF CLERK OF FIRE DISTRICTS.

Be it enacted, &c., as follows:

Selectmen may
appoint, *pro tem*-
pore.

SECTION 1. In case of a vacancy in the office of clerk of any fire district, or any disability in such clerk to perform the duties required by the twenty-fourth chapter of the General Statutes, the selectmen of the town wherein such fire district is situate may appoint a clerk *pro tempore*, who shall be sworn and perform such duties until such vacancy is filled or disability is removed.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1865.

Chap. 258

AN ACT IN RELATION TO CLAIMS AGAINST INSOLVENT ESTATES.

Be it enacted, &c., as follows:

Appeal from al-
lowance may be

SECTION 1. The eighth section of chapter ninety-nine of the General Statutes is hereby so amended that any heir,

legatee, devisee or creditor of an insolvent estate may appeal from the allowance of any claim against such estate by the commissioners named in the second section of said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1865.

AN ACT RELATING TO FEES FOR COPIES OF RECORDS AND OTHER DOCUMENTS.

Chap. 259

Be it enacted, &c., as follows :

SECTION 1. All officers whose duty it is to furnish copies of records, or other papers, shall receive for all copies so furnished, except such as they are required by law to furnish without charge, fees at the same rate by the page as is allowed by law to registers of deeds for like services: *provided*, that this act shall not apply to officers' fees in criminal cases.

Fees allowed registers of deeds to apply, except, &c.

Proviso.

SECTION 2. Registers of insolvency shall, with the copy of an order of distribution, furnish to the assignee, without charge therefor, a dividend sheet.

Registers of insolvency, duty prescribed.

SECTION 3. No employee in any department of the state government shall receive for his own use any fee for copying public records or documents, or for other service during office hours, but all fees for such service shall be paid to the head of the department and by him paid into the treasury of the Commonwealth. Any person violating the provisions of this section shall be ineligible to be employed in any department of the state government.

Employee of state to receive no official fee except for treasury.

Penalty for violation.

SECTION 4. This act shall take effect upon its passage.

Approved May 16, 1865.

AN ACT CONCERNING THE RECORDS OF THE TOWN OF MELROSE.

Chap. 260

Be it enacted, &c., as follows :

SECTION 1. Edward R. Knights, lately clerk of the town of Melrose, is authorized and empowered to make a complete and perfect record of the annual meeting of the inhabitants of said town, held on the twenty-seventh day of March, in the year eighteen hundred and sixty-five, and to enter and certify the same on the records of said town; and such record and all copies thereof certified by said Knights, shall have the same force and effect as if duly made by him while town clerk.

Late clerk may make record of meeting held Mar. '65, as official.

Validity of and of copies declared.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1865.

AN ACT CONCERNING STREET RAILWAY CORPORATIONS.

Chap. 261

Be it enacted, &c., as follows :

Any street railway corporation violating any of the provisions of sections twenty-six and twenty-seven of the two

Violation of §§ 26, 27, ch. 229, 1864: penalty.

hundred and twenty-ninth chapter of the acts of the year eighteen hundred and sixty-four shall be punished by a fine of not less than five nor more than twenty dollars, for each offence.

Approved May 16, 1865.

Chap. 262

AN ACT TO ABOLISH THE BOARD OF BANK COMMISSIONERS.

Be it enacted, &c., as follows :

Abolished.

SECTION 1. The board of bank commissioners required to be appointed under the provisions of chapter fifty-seven of the General Statutes is hereby abolished.

Act in force 1st Jan., 1866.

SECTION 2. This act shall take effect the first day of January, in the year eighteen hundred and sixty-six.

Approved May 16, 1865.

Chap. 263

AN ACT CONCERNING OFFENSIVE TRADES.

Be it enacted, &c., as follows :

Failure of appeal for jury within 3 days, by error, not to bar right.

SECTION 1. Whenever any person by mistake of law or fact or by accident fails to appeal from any order of any board of health and to apply to the superior court or any justice thereof for a jury within the three days limited therefor by section fifty-six of chapter twenty-six of the General Statutes, such person may at any time thereafter appeal from such order and apply for a jury with the same effect as if done within the said three days: *provided*, that such person so appealing and applying shall make it appear to the court or justice that such failure was caused by mistake or accident; and *provided, also*, that such appeal and application shall be made within thirty days after service of such order upon such applicant.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1865.

Chap. 264

AN ACT TO CHANGE THE NAME OF THE LADIES' CHARITABLE ASSOCIATION IN HAVERHILL.

Be it enacted, &c., as follows :

The Ladies Charitable Association in Haverhill shall hereafter be called and known as the Old Ladies' Home Association.

Approved May 16, 1865.

Chap. 265

AN ACT TO ESTABLISH THE CUSHING ACADEMY IN THE TOWN OF ASHBURNHAM.

Preamble: will of Thomas P. Cushing.

Whereas, Thomas P. Cushing, late of the city of Boston, merchant, deceased, in and by his last will and testament, bearing date the thirtieth day of July in the year eighteen hundred and fifty, and proved and allowed at the probate court holden at Boston, within and for the county of Suffolk, on the twenty-sixth day of December in the year eighteen hundred and fifty-four, declaring his opinion that "the

stability of our laws and the safety of our government, the right direction of our republican institutions, the preservation of virtue and good morals, in short the well-being and happiness of society depend in a great degree upon the general diffusion of practical and useful knowledge among the people ;” and that he was “ particularly desirous of using a portion of the estate with which God had blessed him for the promotion of so important an object as that of improving the education and thus of strengthening and enlarging the minds of the rising and of future generations ;” and hoping that others having similar views and opinions would hereafter coöperate with him towards effecting the same great and desirable end, did devise and bequeath unto his executors named in said will, and to their successors forever, certain large and valuable real and personal estates in trust, for the foundation and endowment of two schools or seminaries of learning in his native town of Ashburnham, in the manner set forth in said will ; and did therein provide that upon the expiration of the term of ten years limited in said will for the increase and accumulation of the trust funds, the trustees should apply for an act of incorporation or charter, under which all the business and affairs of the schools thus founded might be conducted forever ; and the said trustees have applied for a corresponding act of incorporation ; therefore—

Bequest.

Purpose.

Trustees, after 10 years to apply for incorporation.

Application.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. There is hereby established in the town of Ashburnham an institution of learning by the name of the Cushing Academy, for the purposes set forth in the said will of the said Thomas P. Cushing. Francis Wayland, of Providence, in the state of Rhode Island, Alexander H. Bullock, of Worcester, Josiah D. Crosby, Asa Rand, Ohio Whitney, junior, Jerome W. Foster and George C. Winchester, of Ashburnham, Abraham T. Lowe, of Boston, Ebenezer Torrey, Alvah Crocker and Amasa Norcross, of Fitchburg, A. P. Marvin and Isaac M. Murdock, of Winchendon, in the state of Massachusetts, are hereby appointed trustees of the said academy ; and they are hereby incorporated into a body politic by the name of the Trustees of the Cushing Academy, and they and their successors shall be and continue a body politic and corporate by the same name forever ; with all the powers and privileges requisite for carrying into full effect the provisions of said will, and with all the powers, rights and privileges, and subject to all the duties, restrictions and

Academy established.

Trustees appointed and incorporated.

Corporate title.

Powers.

liabilities set forth in the sixty-eighth chapter of the General Statutes and other acts in addition thereto, and in this act, not inconsistent with the provisions of said will.

May hold estate
bequeathed or
thereafter re-
ceived.

SECTION 2. The said trustees may take and hold, all and singular, the estates, real and personal, devised and bequeathed by the said Thomas P. Cushing in his said will, to the trustees therein named, for the purposes aforesaid, and may take and hold any other and further estates, real or personal, which may be acquired by them by gift, devise or purchase, or otherwise, for the same purposes: *provided, however,* that the actual value of the real and personal estates, by them so held or possessed, shall not at any one time exceed the amount of three hundred thousand dollars.

Proviso: limita-
tion.

Estate to be used
under said will.

All of which estates shall be devoted and appropriated exclusively for the purposes of education in the manner and to the ends set forth in said will.

Trust funds de-
vised, how to be
invested.

SECTION 3. It shall be the duty of the trustees carefully to invest or to hold invested, the trust funds derived under the said will in real estates within this Commonwealth, or in the notes, bonds or securities of the United States, or of the Commonwealth of Massachusetts, or of cities or towns within this Commonwealth, or notes or bonds amply secured by mortgages of real estates, or other equally safe collateral securities, and to apply the income thereof, but no portion of the principal, to the purposes prescribed in said will; and to hold, use and apply all other estates, real or personal, and the income thereof which they may receive, to the same purposes in such manner as the respective donors or grantors thereof shall direct; and in default of such direction, in such manner as the said trustees shall, in the exercise of a sound discretion, think expedient.

Income.

Other estates and
income to be used
under donors'
terms, if any; if
none, by trustees.

Treasurer; trus-
tees to appoint
under bond.

SECTION 4. The trustees shall appoint a treasurer, and shall require of him a bond with satisfactory sureties in the penal sum of not less than twenty-five thousand dollars for the faithful discharge of his duties. And his books of account and vouchers shall be at all times open for the inspection of the said trustees or of any one of them.

Accounts and
vouchers open to
trustees.

Clerk, appoint-
ment and duties.

SECTION 5. The trustees shall appoint a clerk, whose duty it shall be to keep a full and fair record of the proceedings of the board, and to discharge such other duties as they shall from time to time prescribe.

Trustees may es-
tablish tenures,
and create offices.

SECTION 6. The trustees shall have full power to elect such other officers as they may from time to time think necessary or expedient, and to determine and appoint the tenures of their offices, and of those of the treasurer and clerk; to remove any trustee who shall be incapable through

age, infirmity or otherwise, for the discharge of the duties of his office, or who by unreasonable absence from the meetings of the trustees shall fail to discharge the duties of his office ; to fill all vacancies that shall occur in the board of trustees by death, resignation, removal or incompetency ; and generally to do all acts and things necessary or expedient to be done for the purpose of carrying into full effect the provisions of the said will and the purposes of this act.

May remove trustee.

May fill vacancies.

General powers.

SECTION 7. The number of trustees shall be thirteen, five of whom shall be a quorum for the transaction of business except in the election or removal of trustees, when eight members present and voting shall be necessary ; and the said Amasa Norcross is hereby authorized and empowered to prescribe the time and place for the holding of the first meeting of the said trustees and to notify them thereof.

Number of trustees : quorum.

First meeting.

Approved May 16, 1865.

AN ACT TO INCORPORATE THE BOSTON SCREW COMPANY.

Chap. 266

Be it enacted, §c., as follows :

SECTION 1. Quincy A. Shaw, Gilman Collamore, Harvey T. Litchfield, their associates and successors, are hereby made a corporation by the name of the Boston Screw Company, for the purpose of manufacturing screws and screw making machines in the city of Boston ; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or hereafter may be, in force relating to such corporations.

Corporators.

Purpose.

Powers.

SECTION 2. The said corporation may purchase and hold real estate for the purpose aforesaid, to the amount of two hundred thousand dollars, and be divided into shares of one hundred dollars each.

Real estate.

Shares.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1865.

AN ACT CONCERNING THE TAX ON DEPOSITORS IN SAVINGS BANKS.

Chap. 267

Be it enacted, §c., as follows :

SECTION 1. So much of chapter one hundred and sixty-four of the acts of the year eighteen hundred and sixty-three as applies to savings banks is hereby repealed.

Rate under Act of '62 restored.

SECTION 2. This act shall take effect on the first day of July next.

Approved May 16, 1865.

Chap. 268 AN ACT AMENDING THE ACT CONCERNING STATE LUNATIC HOSPITALS AND INSANE AND IDIOTIC PERSONS.

Be it enacted, &c., as follows :

Admission certificate of physician to be upon information.

SECTION 1. The eighth section of the two hundred and twenty-third chapter of the acts of the year eighteen hundred and sixty-two is hereby so amended that the certificate, signed by two respectable physicians and required by said section, shall be made according to the provisions of said section, after due inquiry and personal examination of the patient by them.

Upon application at hospital or asylum address of relatives required.

SECTION 2. Upon application for the admission of an insane person to any state lunatic hospital, or to any asylum or private house for the reception of the insane, the applicant shall file with his application a statement containing the names and address of such insane person's father, mother, children, brothers, sisters or other next of kin, not exceeding ten in number, and over eighteen years of age, when the names and address of such relatives are known by the person or persons making such application, and such statement shall be filed with the order of commitment or application for admission. And the superintendent, or person in charge of such asylum or house for the reception of the insane, shall, within two days from the time of the admission or commitment of any insane person, send, or cause to be sent, a notice of said commitment in writing, by mail, postage prepaid, to each of said relatives, and to any other two persons whom the person committed shall designate.

Notice of commitment to be sent them.

Approved May 16, 1865.

Chap. 269 AN ACT IN RELATION TO CERTAIN PENALTIES UNDER THE EIGHTY-SEVENTH CHAPTER OF THE GENERAL STATUTES.

Be it enacted, &c., as follows :

Common nuisance, minimum fine.
G. S. 87, § 7.

SECTION 1. Whenever in the discretion of the court the offence set forth in the seventh section of the eighty-seventh chapter of the General Statutes is punished by a fine only, such fine shall not be less than two hundred dollars.

Fine under § 2, 78, '63, increased.

SECTION 2. The second section of the seventy-eighth chapter of the acts of the year eighteen hundred and sixty-three is hereby so amended that the limit of punishment by fine shall be two hundred dollars, instead of one hundred dollars.

Not to affect suit pending.

SECTION 3. Nothing in this act contained shall affect any prosecution pending, or any liability or penalty incurred for any offence committed prior to the time this act shall take effect.

Approved May 16, 1865.

AN ACT CONCERNING MASTERS AND APPRENTICES.

Be it enacted, &c., as follows:

Chap. 270

SECTION 1. No minor shall be bound as an apprentice or servant, unless his parent or guardian, or some responsible person in his behalf, shall give a written bond in the sum of two hundred dollars to the master, with condition that the minor shall serve him for the full term of such apprenticeship or service, and that the master shall be held harmless from any loss or damage from the breach of such condition: *provided*, that minor children who have no parents able to give such bond, may be so bound by giving a bond in such sum as may be agreed upon by and between the master and the parents, or guardian of such minor. And the master shall also give bond to the minor in a like sum, with condition that he shall comply with the conditions of the indenture, and shall not be guilty of any misconduct towards the apprentice or servant, and shall hold the apprentice or servant harmless from any loss or damage by reason of any failure on his part to comply with the terms of the indenture or contract: *provided*, that whenever minors are bound by state, town or municipal authorities or authorized agents, the bond required to be given to the master, may be waived by the parties.

Master to have bond for service.

Proviso.

Minor to have bond of master.

Proviso.

SECTION 2. The bond given by the master, shall be kept for the use of the minor, by the parent or guardian; and when there is no parent or guardian, it shall be deposited with the town clerk where the master resides, and safely kept in his office for the use of the minor.

Custody of bond for use of minor.

SECTION 3. Sections eighteen, nineteen and twenty, of chapter one hundred and eleven of the General Statutes are hereby repealed.

G. S. 111, §§ 18, 19, 20 repealed.

Approved May 16, 1865.

AN ACT IN ADDITION TO AN ACT PASSED IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR, ENTITLED AN ACT IN RELATION TO TRUSTS AND TRUSTEES.

Be it enacted, &c., as follows:

Chap. 271

SECTION 1. Any corporation failing to comply with the provisions of the first section of chapter two hundred and thirty-nine of the acts of the year one thousand eight hundred and sixty-four, shall be subject to a penalty of not less than one hundred, nor more than three thousand dollars.

Corporation not complying with § 1, '39, '64: penalty.

SECTION 2. To secure compliance with the requirements of the first section of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and sixty-four, the secretary of the Commonwealth shall annually, in the month of August or September, transmit to the corporations referred to in said first section, a copy of the aforesaid act, and of this

Secretary to send copy of acts.

act, and of any act that may be passed in addition thereto. He shall also report to the attorney-general the names of all corporations failing to make the returns required by law, who shall thereupon take measures for the enforcement of the penalty in such cases provided.

Shall report delinquents to attorney-general.
Act 143, '65, repealed.

SECTION 3. Chapter one hundred and forty-three of the acts of the year eighteen hundred and sixty-five is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 16, 1865.

Chap. 272 AN ACT TO INCORPORATE THE BOSTON SAFE DEPOSIT COMPANY.
Be it enacted, &c., as follows :

Corporators. SECTION 1. Samuel H. Walley, William Ropes, William Endicott, junior, their associates and successors, are hereby made a corporation by the name of the Boston Safe Deposit Company, for the purposes of receiving on deposit, for safe keeping, government securities, stocks, bonds, coin, jewelry, plate, and other valuable property of every kind, upon terms to be prescribed by the corporation.

Capital stock. SECTION 2. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each, and said company may hold real estate not exceeding in value the sum of one hundred thousand dollars.

Shares. SECTION 3. The company shall not go into operation until one-half of its capital stock has been paid in, in lawful money of the United States, nor until such money has been examined by three commissioners appointed by the governor; such commissioners shall, at the expense of the company, examine and count the same actually in the vaults, and ascertain by the oaths of a majority of the directors, that such money has been paid in by the stockholders towards payment of their respective shares, and not for any other purpose, and that it is intended that the same shall remain therein as part of its capital, and shall return a certificate thereof to the governor.

Transfer of capital. SECTION 4. No part of the capital stock of said company shall be sold or transferred until the whole amount thereof is paid in.

Loans to stockholders. SECTION 5. No loan shall be made to a stockholder until the full amount of his shares is paid into the company.

Money and chattels, company not to use in trade. SECTION 6. Said company shall not use or employ any of its money, goods, chattels or effects in trade or commerce, but may sell any property held by it in pledge, and if the

proceeds of such sale are more than sufficient to repay the sum loaned on such pledge, together with interest and expenses, the surplus shall, upon request, be paid over by the company to the person who conveyed the property in pledge, or to his assigns.

May sell pledged property to repay loan.

Surplus.

SECTION 7. Said company shall have no less than seven directors, nor more than twelve, the number to be determined by the by-laws.

Directors of corporation.

SECTION 8. No person shall be a director unless he is a stockholder of the company holding unpledged stock therein.

Qualifications.

SECTION 9. A majority of the directors shall reside or have their place of business within twenty miles of the city of Boston.

Residence.

SECTION 10. The directors shall be chosen by the stockholders annually, at a meeting held in the city of Boston on any day designated in the by-laws of said company, the hour and place of said meeting to be appointed by the directors.

Election of to be by stockholders, annually.

SECTION 11. A majority of the directors shall be a quorum for doing business.

Quorum.

SECTION 12. The directors shall cause a book to be kept in which shall be entered all loans made by the company, the names and proceedings of all the directors present at any meeting for official business, and the company failing to comply with the provisions of this section, shall forfeit for each neglect five hundred dollars.

Record of doings, and entry of loans.

SECTION 13. The directors may call special meetings of the stockholders as often as the interest of the corporation requires.

Penalty for neglect.

Directors may call meetings.

SECTION 14. They shall choose one of their number to act as president, and may make him such compensation as they think reasonable.

Shall choose president and fix pay.

SECTION 15. They shall appoint a treasurer who shall not be a director, and may appoint clerks and other officers for conducting the business of the company, all of whom shall be removable at the pleasure of the directors, and neither of whom shall be permitted to hire money of the company.

Appoint treasurer, clerks and other officers.

Restriction.

SECTION 16. The treasurer, before he enters upon the duties of his office, shall give a bond or bonds, with two or more sureties, to the satisfaction of the directors, conditioned for the faithful performance of the duties of his office; and in no case shall bonds be taken for a less sum than twenty thousand dollars.

Treasurer to give bonds.

SECTION 17. He shall, on the application in writing of the proprietors of one-fifth part of the capital stock, call special meetings of the stockholders.

Special meetings, how called.

G. S. §§ of ch. 57,
to apply in man-
ner as to banks
and savings insti-
tutions.

SECTION 18. The seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, eighty-first, one hundred and second, one hundred and third, one hundred and fourth and one hundred and forty-eighth sections of the fifty-seventh chapter of the General Statutes shall apply to and be in force against this company, in the same manner and to the same extent as they apply and are in force against banks and savings banks respectively.

G. S. ch. 68, to
apply.

SECTION 19. This company shall be subject to the provisions of the sixty-eighth chapter of the General Statutes, and such general laws as are applicable to the same.

SECTION 20. This act shall take effect upon its passage.

Approved May 16, 1865.

Chap. 273

AN ACT TO INCORPORATE THE BAY STATE SILVER MINING COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. William S. Rosecrans, Thomas W. Pierce, J. Frederick Marsh, their associates and successors are hereby made a corporation by the name of the Bay State Silver Mining Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Purpose.

SECTION 2. The purposes for which said corporation is established and formed are the procuring, holding and mining of mineral property in the state of Nevada, and its place of business shall be in the city of Boston.

Capital stock.

SECTION 3. The capital stock of said corporation shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each. Said corporation shall not go into operation until the sum of two hundred thousand dollars has been paid in.

Shares.

Condition.

Stockholders may
increase capital.

SECTION 4. Said corporation may increase its capital stock, by adding thereto an amount not exceeding five hundred thousand dollars, whenever two-thirds in interest of the stockholders, at a meeting called for that purpose, shall by ballot so determine.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1865.

Chap. 274

AN ACT CONCERNING THE ASSIGNMENT AND DISTRIBUTION OF THE MONTHLY COMPENSATION OF VOLUNTEERS.

Be it enacted, &c., as follows :

Volunteer in U.
S. service may as-
sign pay to officer
appointed under
Act of '63, ch.
254, § 3.

Any volunteer in the military service of the United States entitled to monthly compensation, as provided by the third section of the two hundred and fifty-fourth chapter of the acts of the year eighteen hundred and sixty-three, may

assign the same, or any part thereof, for the use of any person in this Commonwealth, to any officer appointed pursuant to the fifth section of said act, who shall receive and distribute the money thus assigned, in the same manner as by the fourth section of said act the treasurer and receiver-general is required to receive and distribute money assigned to him; and the treasurer of any city or town, upon receiving notice from such officer of any such assignment of money, shall draw therefor upon and make returns to said officer in the same manner, and perform the same duties in relation thereto, as he is required to do by the sixty-second chapter of the acts of the year eighteen hundred and sixty-two, in case of money assigned to the treasurer and receiver-general; and money assigned as herein provided shall be received, disbursed, and held by such officer and by any such city or town treasurer, subject to the same provisions of the said chapter as if it had been assigned or remitted to the treasurer and receiver-general.

Treas' of town,
upon notice, to
draw and apply,
as under ch. 62,
of '62.

Approved May 16, 1865.

AN ACT TO AUTHORIZE THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY TO MORTGAGE ITS RAILROAD.

Chap. 275

Be it enacted, &c., as follows :

The Boston, Hartford and Erie Railroad Company is hereby authorized to secure any bonds it has issued or may issue under authority of its charter, granted by the legislature of the state of Connecticut, in the year eighteen hundred and sixty-three, by mortgage of its railways, property, rights and franchise, or any part thereof, purchased or acquired by contract or arrangement with the Southern Midland Railroad Company, or the New York and Boston Railroad Company, and situate or being, or that it may have situate and being in this Commonwealth, by deed duly made and executed under the provisions of said charter, and securing all bonds previously issued by, and all pre-existing debts of said corporation. Said mortgage shall be recorded in the registry of deeds in the several counties in which said railways, franchises and property mortgaged may be situate: *provided*, that nothing in this act contained shall in any way affect any claim, or any remedies for the enforcement of the same, which any person may have against said corporation or any other railroad corporation, whose rights have been or may be acquired by said Boston, Hartford and Erie Railroad Company, or under any lien upon any real estate, for damage caused to such person by the taking of the land or any part thereof included within the location of said corporations, or any or either of them, or by the laying out, making and maintaining a railroad over the same: *provided*, that if said

May give mortgage to secure bonds issued under Coun. charter.

Records to be made where situate.

Provisos.

corporation shall in such mortgage include any part of the franchise and property by them obtained from the New York and Boston Railroad Company, the holders of the bonds or mortgage notes of said last named company shall have the right, on the surrender of their said bonds or notes, at any time within two years from the date of such mortgage, to receive in the bonds to be secured by said mortgage an amount equivalent, having regard to the rate of interest and the time of maturity, to their respective bonds or notes.

Approved May 16, 1865.

Chap. 276 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TEMPORARY HOME FOR THE DESTITUTE.

Be it enacted, &c., as follows :

Directors may receive children, and accept surrender from parent or guardian.

The board of managers of the Temporary Home for the Destitute shall have authority to receive into their house such children as they may deem suitable objects of charity, and also to accept a surrender in writing by the father, and where there is no father, by the mother, and where there is no father or mother, by the guardian of any child or children, to the care and direction of said corporation ; and to bind out in virtuous families, until the age of twenty-one years, any boy or boys thus surrendered, and until the age of eighteen years, any female child or children thus surrendered.

May bind out in families.

Approved May 16, 1865.

Chap. 277 AN ACT FORBIDDING UNJUST DISCRIMINATION ON ACCOUNT OF COLOR OR RACE.

Be it enacted, &c., as follows :

Distinction prohibited.

SECTION 1. No distinction, discrimination or restriction on account of color or race shall be lawful in any licensed inn, in any public place of amusement, public conveyance or public meeting in this Commonwealth.

Penalty for offence.

SECTION 2. Any person offending against the provisions of this act shall be punished by a fine not exceeding fifty dollars.

Approved May 16, 1865.

Chap. 278 AN ACT TO ESTABLISH THE FORT HILL CORPORATION.

Be it enacted, &c., as follows :

Purpose.

SECTION 1. For the purpose of improving that part of the city of Boston mentioned and described in section two, and causing the same to be graded and new streets to be laid out and constructed over the same, so as better to promote the public interest, John Foster, Franklin King, Hamilton Willis, their associates and successors, are hereby constituted a body corporate, by the name of the Fort Hill Corporation, with all the powers and privileges, and subject to all the duties

Corporators.

Title.

Powers.

and liabilities set forth in all general laws that now are or may hereafter be in force and applicable to such corporations.

SECTION 2. Said corporation shall have power to purchase, hold and possess, in fee simple or otherwise, any part or all the land, with the buildings and other improvements thereon standing, situate in that part of Boston known as Fort Hill, and lying easterly of the estates fronting on Pearl street, between Broad and Milk streets, southerly of estates fronting on Milk street, between Pearl and Batterymarch streets; southerly and westerly of Batterymarch street, southerly of the estates fronting on Broad street, between Batterymarch and Purchase streets; and westerly and northerly of that part of Broad street, between said Purchase street and its intersection with said Pearl street; and said corporation shall have power to grant, sell and convey, in fee simple or otherwise, the said corporate property, or any part thereof, and to lease, mortgage, improve or otherwise manage the same, in such manner as may be deemed most for the interest of said corporation; and said corporation may hold personal property necessary for the excavating and grading of said hill, not to exceed in amount five hundred thousand dollars, and its whole capital stock shall not exceed one million five hundred thousand dollars: *provided*, that if said corporation shall lease or knowingly suffer to be occupied for the space of three months, any building owned by them for the illegal sale of liquors or for other unlawful uses, it shall forfeit one hundred dollars for the first offence, and five hundred dollars for each subsequent offence.

May purchase and hold land known as Fort Hill, in Boston.

Boundaries.

May sell or lease the same or any part, and manage for corporate interest.

May hold personal property.

Capital stock.
Proviso.

SECTION 3. The stock and property of said corporation shall be divided into shares not exceeding fifteen thousand in number, certificates of which shall be issued under the seal of the corporation and signed by the president and treasurer thereof; and said shares may be transferred by an assignment indorsed upon the certificate and recorded by the clerk of said corporation, in a book kept for that purpose.

Shares and manner of issue.

Transfer.

SECTION 4. The business affairs of said corporation shall be conducted by a board of not more than nine nor less than five directors, to be chosen annually by ballot. Each shareholder shall be entitled to as many votes as he may hold shares in the corporation, and a majority of the directors so chosen shall be necessary to form a quorum for the transaction of business.

Directors to be chosen annually.

Quorum.

SECTION 5. The said directors may make such equal assessments, from time to time, as they may deem expedient and necessary for the objects of the corporation, and may direct the same to be paid to the treasurer thereof; and if

Directors may make assessments.

Neglect to pay by stockholder, to authorize sale of shares.	any proprietor shall neglect or refuse to pay any assessment for the space of thirty days from the time the same shall have been due, the directors may order the treasurer to sell said share or shares at public auction to the highest bidder, after giving due notice thereof, and the same shall be transferred to the purchaser, and the delinquent proprietor shall be holden to pay said corporation the balance, if his share or shares shall sell for less than the amount assessed thereon, with the interest and cost of sale; and he shall be entitled to the overplus if his share or shares shall sell for more than the assessment due, with the interest and cost of sale: <i>provided, however,</i> that no assessment shall be laid on any share in said corporation of a greater amount in the whole than one hundred dollars on each share.
Proprietor held for balance of assessment, if any.	
May have surplus.	
Proviso.	
Aldermen to prescribe mode of lowering grade.	SECTION 6. The board of aldermen of the city of Boston shall determine and prescribe in what manner said corporation may dig down and lower the grade of said hill, and what streets of said city may be used in removing the earth, and the mode and manner of using the same. Said board shall lay out such new streets, and alter and discontinue such of the old streets, courts and places, upon and across said hill, as they shall determine to be for the common convenience and necessity, having due reference to the reasonable accommodation of said corporation; and the damages occasioned thereby to any persons in their property shall be assessed in the same manner in all respects as in other cases of laying out, altering and discontinuing streets and ways: <i>provided,</i> that nothing in this act shall be construed to authorize said corporation to take any land belonging to any person without the consent of the owner thereof.
Shall lay out new streets.	
Damages, how to be assessed.	
Proviso.	
Aldermen may dispose property of city on Fort Hill and in Washington square.	SECTION 7. The said board of aldermen may make such disposition, by sale, exchange or otherwise, of the interest of said city in any land in any street, place or court, which may be discontinued, under the provisions of this act, and in Washington square, and of any other property of said city upon said hill, or embraced within the limits of the boundaries specified in the second section of this act, and may make such agreement with said corporation for an exchange of the same, or any part thereof, for other land within said bounds, which may be needed for new streets, courts and places, and for other purposes, as said board may deem best for the public interest.
May make exchange with corporation.	
Shall determine question of damages before work commence by corporation.	SECTION 8. Before said corporation shall do any work in lowering said hill, which would require the said board of aldermen, in their judgment, to lay out, alter or discontinue any street, said board shall determine whether the whole or

any and what portion of the damage for which said city would be liable by reason of such laying out, alteration or discontinuance, shall be borne by said corporation, for the benefit which said laying out, alteration or discontinuance may be to said corporation; and if said corporation shall, after such determination, proceed with said work of lowering said hill, then said corporation shall be liable to and shall pay the city such an amount of the damages which said city may have to pay by reason of such laying out, alteration or discontinuance, as shall have been so determined by said board; and before proceeding with said work, said corporation shall give a bond to the said city, satisfactory to said board, to pay into the city treasury all damages which by the determination of said board, made as aforesaid, they are to pay on account of the damages occasioned by such laying out, alteration or discontinuance. Said board of aldermen may also require of said corporation a bond, with such conditions as said board may prescribe, in relation to the expense of providing sewers and drains required by the lowering of said hill and the laying out, alteration or discontinuance of any street, under the provisions of this act.

Corporation proceeding, shall repay to city sum disbursed for damages.

Shall give bond for payment before opening work.

Also, bond for constructing new sewers and drains and alteration of streets.

SECTION 9. This act shall be void at the expiration of three years from the date of its passage, unless the said corporation shall within that period have purchased not less than fifty thousand square feet of land, within the boundaries set forth in the second section of this act, and shall have excavated not less than one-half of the same to a depth of not less than ten feet, and have expended a sum not less than two hundred thousand dollars for the objects herein set forth.

Conditions of validity of act.

SECTION 10. Nothing in this act shall in any way limit, restrain or abridge the right which the city of Boston now have in and to the open space or common on the summit of the said Fort Hill, called Washington square.

Rights of city in Washington sq're not abridged.

SECTION 11. Nothing in this act contained shall prevent the board of aldermen or other proper authorities of the city of Boston from laying out any new streets, or from altering, widening or lowering the grade of any old street upon and over the territory embraced in this act, under and in pursuance of any power they now or may hereafter have; nor shall any of the provisions of this act exempt any real estate of said corporation from the operation of any law which may now or hereafter be in force, affecting the rights of owners of real estate, within the bounds described in the second section of this act.

Powers of city over streets and ways not modified.

Real estate of corporation subject as other estate to law.

Act to be accepted by city within year or be void.

SECTION 12. This act shall be void and of no effect, unless the same shall be accepted by the city council of Boston within one year from the date thereof.

Approved May 17, 1865.

Chap. 279

AN ACT TO AMEND THE "ACT TO ESTABLISH THE FORT HILL CORPORATION."

Be it enacted, &c., as follows:

Action of aldermen, except as to streets, to have concurrence of common council.

In any disposition, by sale, exchange or otherwise, which shall be made by the board of aldermen of the city of Boston, of Washington square, or of lands of said city other than those now used for streets, places or courts, mentioned in the seventh section of the "Act to establish the Fort Hill Corporation," passed in the year eighteen hundred and sixty-five, the concurrence of the common council of said city shall be had before such disposition shall be made.

Approved May 17, 1865.

Chap. 280

AN ACT IN FURTHER ADDITION TO "AN ACT TO ESTABLISH THE FORT HILL CORPORATION."

Be it enacted, &c., as follows:

Corporation to become defunct in 20 years unless charter is extended.

An act entitled "An Act to establish the Fort Hill Corporation," passed in the year eighteen hundred and sixty-five, is hereby so far modified that the charter of said corporation shall terminate at the expiration of twenty years from the passage of said act, at which time said corporation shall settle and close its concerns and dispose of its property, unless such charter shall be further extended by the legislature.

Approved May 17, 1865.

Chap. 281

AN ACT TO AMEND "AN ACT GIVING JURISDICTION TO POLICE COURTS IN CERTAIN CASES."

Be it enacted, &c., as follows:

Act of '63, ch. 78, § 2, amended.

SECTION 1. The second section of chapter seventy-eight of the acts of the year one thousand eight hundred and sixty-three is hereby amended, by striking out the word "and" and substituting therefor the word "or."

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1865.

Chap. 282

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated and shall be paid out of the treasury of this Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, herein cited, and for other

purposes, to wit: In the resolve, chapter six, in favor of Isaac H. Silsby, a sum not exceeding one hundred and twenty-five dollars. In the resolve, chapter seven, in favor of the Washingtonian home, a sum not exceeding five thousand dollars. In the resolve, chapter eight, for the support of Indian schools in the district of Marshpee, a sum not exceeding seventy-five dollars, to be paid from the income of the Massachusetts school fund. In the resolve, chapter nine, for the benefit of John Hector, a sum not exceeding one hundred dollars. In the resolve, chapter ten, for the benefit of Jemima Easton, a sum not exceeding one hundred and four dollars. In the resolve, chapter twelve, in favor of William Holbrook, junior, a sum not exceeding fifty-four dollars and fourteen cents. In the resolve, chapter thirteen, in favor of W. H. H. Joy, a sum not exceeding ninety-six dollars. In the resolve, chapter fourteen, for the benefit of Rhoda M. Taylor, a sum not exceeding fifty dollars. In the resolve, chapter fifteen, for the benefit of Sally Burr and others, a sum not exceeding three hundred and four dollars. In the resolve, chapter eighteen, in favor of the family of Joseph T. Wright, a sum not exceeding three hundred dollars. In the resolve, chapter nineteen, in favor of R. H. Brigham, a sum not exceeding thirty-four dollars. In the resolve, chapter twenty, in favor of the Northampton lunatic hospital, a sum not exceeding four thousand dollars, payable upon properly approved vouchers filed with the state auditor. In the resolve, chapter twenty-one, in favor of the Massachusetts school for idiotic and feeble-minded youth, a sum not exceeding three thousand dollars, in addition to the sum heretofore appropriated. In the resolve, chapter twenty-two, in favor of the temporary asylum for discharged female prisoners, a sum not exceeding twenty-five hundred dollars. In the resolve, chapter twenty-three, in favor of John L. Brigham, a sum not exceeding fifty-six dollars and sixty-six cents. In the resolve, chapter twenty-six, in favor of J. Scott Todd, a sum not exceeding two hundred dollars. In the resolve, chapter twenty-nine, in favor of A. C. Chadwick, a sum not exceeding forty-six dollars and fifty cents. In the resolve, chapter thirty-one, for the benefit of Samuel Ciscoe and others, a sum not exceeding two hundred dollars. In the resolve, chapter thirty-two, in favor of John Mayhew, for the support of Indian schools, a sum not exceeding one hundred and forty-nine dollars, to be paid from the income of the Massachusetts school fund. In the resolve, chapter thirty-three, in favor of Barnard C. Marchant, for the support of certain Indians, a sum not exceeding one hundred

Isaac H. Silsby.
 Washingtonian home.
 Marshpee sch'ls.
 John Hector.
 Jemima Easton.
 Wm. Holbrook.
 W. H. H. Joy.
 Rhoda M. Taylor.
 Sally Burr and others.
 Jos. T. Wright.
 R. H. Brigham.
 Northampton lunatic hospital.
 Idiotic school.
 Asylum disch'd female prisoners.
 John L. Brigham
 J. Scott Todd.
 A. C. Chadwick.
 Sam'l Ciscoe.
 John Mayhew, Indian schools.
 B. C. Marchant, sup't Indians and their schools.

Industrial sch'l.	and eighty-six dollars and forty-nine cents; also, for the support of Indian schools, a sum not exceeding one hundred and four dollars, the latter to be paid from the income of the Massachusetts school fund. In the resolve, chapter thirty-four, in favor of the industrial school for girls, a sum not exceeding twenty-five hundred dollars, payable upon properly approved vouchers filed with the state auditor. In the resolve, chapter thirty-five, in favor of the discharged soldiers' home, a sum not exceeding twenty thousand dollars. In the resolve, chapter thirty-six, in favor of the soldiers' national cemetery corporation, a sum not exceeding four thousand two hundred and five dollars and thirty cents; also in favor of Henry Edwards, commissioner, a sum not exceeding one hundred and twenty-three dollars and forty-seven cents. In the resolve, chapter thirty-nine, in favor of the Massachusetts eye and ear infirmary, a sum not exceeding three thousand dollars. In the resolve, chapter forty-two, for improvements at the state arsenal, a sum not exceeding eleven thousand dollars. In the resolve, chapter forty-three, for copying provincial statutes, a sum not exceeding one thousand dollars. In the resolve, chapter forty-four, for the publication of Gould's report on invertebrate animals, a sum not exceeding four thousand dollars, payable on proper vouchers furnished to the state auditor. In the resolve, chapter forty-five, concerning obstructions to the passage of fish in certain rivers, a sum not exceeding one thousand dollars. In the resolve, chapter forty-six, in favor of the New England hospital for women and children, a sum not exceeding five thousand dollars. In the resolves, chapter forty-eight and fifty-four, for the compensation of persons employed in the collection of statistical returns, a sum not exceeding fifty thousand dollars. In the resolve, chapter forty-nine, in favor of certain officers of the state prison, a sum not exceeding three thousand dollars. In the resolve, chapter fifty, in favor of the American asylum for deaf and dumb, a sum not exceeding five thousand dollars. In the resolve, chapter fifty-three, in favor of the allotment commissioners, a sum not exceeding one thousand dollars. In the resolve, chapter fifty-five, in favor of H. K. Oliver, a sum not exceeding six hundred and fourteen dollars. In the resolve, chapter fifty-six, in favor of the town of Nantucket, a sum not exceeding five hundred and eighty-eight dollars and fifty-nine cents. In the resolve, chapter fifty-seven, in favor of the town of Rockport, a sum not exceeding six hundred and fifty-six dollars and twenty-five cents. In the resolve, chapter sixty-three, for the preservation of Plymouth harbor, a sum not
Disch'd soldiers' home.	
Soldiers' national cemetery.	
Henry Edwards.	
Mass. eye and ear infirmary.	
State arsenal, improvements.	
Copying provincial statutes.	
Invertebrate animals, report.	
Obstructions of fish.	
N. E. hospital for women and children.	
Statist'l returns, pay for.	
State prison, certain officers.	
Deaf and dumb.	
Allotment commissioners.	
H. K. Oliver.	
Nantucket, town.	
Rockport, town.	
Plym'th harbor, preservation.	

exceeding five thousand dollars, to be paid from the coast defence fund. In the resolve, chapter sixty-six, in favor of the nautical branch of the reform school, a sum not exceeding twenty thousand dollars, payable on properly approved vouchers filed with the state auditor. In the resolve in favor of clerks and employés in the departments at the state house, a sum not exceeding twenty-three thousand three hundred dollars. In the resolve in favor of the chaplains, doorkeepers, messengers and pages of the legislature, a sum not exceeding four thousand seven hundred dollars. In the resolve in favor of the watchmen at the state house, messenger and assistant-messenger of the governor and council, and the messenger of the secretary of the Commonwealth, a sum not exceeding thirteen hundred dollars. In the resolve providing for the preservation of Provincetown harbor, a sum not exceeding one hundred thousand dollars, to be paid from the coast defence fund. In the resolve in favor of the assistant-clerk of the house of representatives, a sum not exceeding five hundred dollars. In the act, chapter nineteen, for enrolling the militia for the current year, a sum not exceeding twelve thousand five hundred and fifty dollars. In the act, chapter sixty-nine, for blanks required in making census returns, a sum not exceeding one thousand dollars. In the act, chapter one hundred and forty-six, for blanks required in taking statistics of industry, a sum not exceeding seven hundred dollars. In the act, chapter two hundred and ten, for land damages and claims connected with the Troy and Greenfield railroad, a sum not exceeding fifteen thousand dollars. In the act, chapter two hundred and forty, in favor of the agricultural college, a sum not exceeding ten thousand dollars. In the act, chapter two hundred and forty-three, establishing the salaries of clerks employed by the secretary of the board of agriculture, a sum not exceeding eight hundred dollars. In the act, chapter two hundred and forty-six, in favor of the secretary of the board of education, a sum not exceeding five hundred dollars, to be paid from the income of the Massachusetts school fund. In the act establishing the salaries of the treasurer and receiver-general, and of certain clerks, and for other purposes, a sum not exceeding four thousand four hundred dollars. In the act establishing a state police, a sum not exceeding fifty thousand dollars. For travelling expenses of the board of state charities, and for expenses of the agent of said board for the current year, a sum not exceeding twelve hundred dollars. For printing and binding the public documents of the year eighteen hundred and sixty-four, a sum not exceeding four

Nautical school.

Clerks, etc., departments.

Chaplains, doorkeepers, etc., legislature.

Watchmen and messengers.

Provincet'n harbor, preservat'n.

Assistant-clerk, house of representatives.

Militia enrol'm't.

Blanks, census returns.

Statistics of industry.

Damages and claims, T. and G. railroad.

Agricultural college.

Clerks, board of agriculture.

Secretary board education.

Secret'y, treas'r, auditor, adjut'n-gen'l and clerks, salaries.

State police, pay.

Board state charities and agent, expenses.

Public docum'ts, print'g and binding.

Street railway commiss'rs, pay and expenses.	thousand dollars in addition to the sums heretofore appropriated. For the compensation and expenses of the street railway commissioners, for eighteen hundred and sixty-four and eighteen hundred and sixty-five, a sum not exceeding three thousand and sixty-eight dollars and twenty cents in addition to the sums heretofore appropriated. For expenses incurred in the sale of the agricultural college land scrip, a sum not exceeding one thousand one hundred and fifty-five dollars and forty-two cents. For copies of plans of the Massachusetts and Rhode Island boundary line, a sum not exceeding two hundred dollars. For printing and binding the returns of railroad corporations for the year eighteen hundred and sixty-four, a sum not exceeding nine hundred and sixty-nine dollars and twenty-two cents in addition to the sum heretofore appropriated. For postage, printing and stationery for the board of education for the current year, a sum not exceeding one thousand dollars, in addition to the sum heretofore appropriated, payable from the income of the Massachusetts school fund. For the salary of the justice of the Taunton municipal court for the current year, a sum not exceeding one thousand dollars; and for the salary of the clerk of said court for the current year, a sum not exceeding six hundred dollars. For court fees and incidental expenses of the insurance commissioners for the year eighteen hundred and sixty-four, a sum not exceeding three hundred dollars in addition to the sum heretofore appropriated. For incidental expenses of the commissioners on corporation tax, a sum not exceeding one thousand dollars in addition to the sum heretofore appropriated. For printing and binding Hitchcock's supplementary report on ichnology, a sum not exceeding five thousand five hundred dollars, payable on properly approved vouchers, filed with the state auditor. For military accounts of the year eighteen hundred and sixty-four, a sum not exceeding five hundred dollars in addition to the sums heretofore appropriated. For expenses attending the management of cases of settlement and bastardy in eighteen hundred and sixty-five and previous years, a sum not exceeding three thousand dollars. For fees of witnesses before a legislative committee in eighteen hundred and sixty-two, a sum not exceeding eight dollars and twenty-six cents. For fees and expenses of magistrates in holding military elections, and for the purchase of books of tactics, a sum not exceeding twenty-five hundred dollars. For compensation and expenses of committees authorized to sit during the recess of the legislature, a sum not exceeding five thousand dollars. For printing
Agricult'l college land scrip, sale expense.	
Plans Mass. and R. I. boundary.	
Railroad reports, print'g and bind- ing.	
Board education, postage, print'g, etc.	
Taunton municip- al court, sala- ries of justice and clerk.	
Insurance com- missioners, fees and expenses.	
Corporation tax commissioners, expenses.	
Ichnology, print- ing sup. report.	
Military acc'ts, 1864.	
Settlem't and bas- tardy, expenses cases of.	
Fees of witnesses before committee in '62.	
Military elections and books of tac- tics.	
Committees sit- ting in recess, pay and exp'se.	

the report of the board of agriculture for eighteen hundred and sixty-four, a sum not exceeding three hundred and twenty-five dollars and forty cents, in addition to the sum heretofore appropriated. For military services rendered under the provisions of section one hundred and forty-eight of chapter two hundred and thirty-eight of the acts of eighteen hundred and sixty-four, a sum not exceeding eight hundred and twenty-nine dollars and thirty-six cents. For militia bounty for the current year, a sum not exceeding seventy-seven thousand dollars in addition to the sum heretofore appropriated. For medical, surgical and hospital supplies, a sum not exceeding five thousand dollars. The appropriation made in chapter sixty-six of the resolves of eighteen hundred and sixty-one, for the erection of a statue of Horace Mann, is hereby renewed. For the payment of sums authorized under chapter seventy-two of the resolves of eighteen hundred and sixty-three, the same remaining unpaid on rolls now in the state treasury department, a sum not exceeding forty-five hundred dollars. For printing additional copies of the adjutant-general's report, ordered by the legislature, a sum not exceeding sixteen thousand dollars. There is hereby re-appropriated from the coast defence fund for the purposes specified in chapter one hundred and eighteen of the acts of eighteen hundred and sixty-three, a sum not exceeding forty-eight thousand eight hundred and fifty-seven dollars and sixty-five cents, namely, for the city of New Bedford, seventeen thousand four hundred and eight dollars and sixty-one cents; for the town of Gloucester, four thousand two hundred and ninety-five dollars and sixty-nine cents; for the town of Marblehead, two thousand two hundred and thirteen dollars and twenty-five cents; for labor on guns now in course of completion, three thousand four hundred and thirty-seven dollars; for award made by and for compensation of arbitrators, ten thousand three hundred and sixty-nine dollars and ten cents; for tools, seven hundred and ninety dollars; for transportation of guns from England and contingent expenses attending the same, ten thousand two hundred dollars; and for expenses of the office of the chief engineer, one hundred and forty-four dollars. For transportation to and from Rainsford Island hospital, a sum not exceeding twenty-five hundred dollars. For stationery ordered by the clerk of the house of representatives, a sum not exceeding four hundred dollars. The following sums shall be allowed and paid: For expenses of the paymaster's department, a sum not exceeding four thousand dollars in addition to the sum heretofore appropriated. For

Report board agriculture, printing '64.

Military services under Act of '64.

Militia bounty for '65.

Medical and hospital supplies.
Statue of Horace Mann.

Military services, allowance, Res. 72, '63.

Adj't-general's report, additional copies.

Coast defences.

New Bedford.
Gloucester.

Marblehead.

Labor on guns.
Pay of arbitrators.

Tools.

Transportation.

Chief engineer, expenses.

Transportation.
Stationery, house of representatives.

Paymaster, expenses.

State cabinet.	the state cabinet, a sum not exceeding two hundred dollars
Experts for gov- ernor, pay.	in addition to the sum heretofore appropriated. For the compensation of experts employed by the governor for the current year, a sum not exceeding five hundred dollars.
Engraving and printing scrip.	For engraving of plates and printing of state scrip, a sum not exceeding five thousand five hundred dollars.
Almshouse at Tewksbury, buildings for insane.	For the erection of suitable buildings for insane paupers, in connection with the state almshouse at Tewksbury, a sum not exceeding ten thousand dollars in addition to the sum authorized in chapter eighty of the resolves of eighteen
Attorney-gen'l, fitting office, rent, &c.	hundred and sixty-four. For fitting up and furnishing the office of the attorney-general, a sum not exceeding five hundred and fifty dollars; for rent and contingent expenses of the office of the attorney-general for the current year, a sum not exceeding six hundred dollars.
Assistance and transport to Mass. citizens from south.	For the assistance and transportation of destitute inhabitants of Massachusetts, (civilians, prisoners or refugees,) en route from southern states, a sum not exceeding one thousand dollars, to be expended under the direction of the agent of the board of state charities.
Attorney-gen'l's law library.	For the attorney-general's law library, a sum not exceeding one hundred dollars in addition to the sum heretofore appropriated.
Replacement of flags.	For the replacement of flags, a sum not exceeding one thousand dollars.
Committees, as- sistance to and extra for engross- ing.	For clerical and professional assistance to legislative committees, and for extra clerical service rendered necessary in the engrossment of bills for the legislature, the same to include service rendered by any clerk in the employ of the state, without interference with his regular
Barracks at R. I. hospital, repairs, etc.	duties, a sum not exceeding three hundred dollars. For repairs and furniture for barracks at Rainsford Island hospital, for the use of soldiers discharged from service on account of disability or disease, a sum not exceeding five
Demise of presi- dent U. S., ex- pense attending.	hundred dollars. For expenses incurred on the part of the Commonwealth, on account of the demise of the late President of the United States, a sum not exceeding one thousand
Judicial reports for executive de- partment.	eight hundred dollars. For judicial reports to be furnished the executive department by the secretary of the Common-
State police, expenses.	wealth, a sum not exceeding four hundred and thirty-nine dollars and fifty cents. For clerical and incidental expenses accruing under the act establishing a state police, a sum not
State house, repairs.	exceeding fifteen hundred dollars. For repair of roofs, chimneys, stairways, ventilators, and so forth, of the state
Constable of Commonwealth, salary.	house, a sum not exceeding five hundred dollars. For the salary of the constable of the Commonwealth, twenty-five hundred dollars, and the same shall be his annual salary.
Books, house of representatives.	For books purchased by order of the house of representatives, a sum not exceeding twenty-five dollars. For expenses of

the legislative committee on prisons, a sum not exceeding one hundred dollars. For the salary of the messenger in the surgeon-general's department for the current year, a sum not exceeding ninety dollars, in addition to the sum heretofore appropriated. For repairs and refurnishing of the rooms occupied by the executive department, a sum not exceeding one thousand dollars.

Com'tee on prisons, expenses.
Surgeon-general's messenger, pay.

Executive department, repairs, etc.

SECTION 2. There shall be allowed and paid out of the treasury of the Commonwealth, for compensation of senators, a sum not exceeding twenty-two thousand dollars; and for the compensation of representatives, a sum not exceeding one hundred and twenty-eight thousand dollars, which shall be paid out according to the pay-rolls of the two houses.

Senators, compensation.

Representatives.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1865.

AN ACT TO AMEND AND REVISE CHAPTER TWO HUNDRED AND EIGHT OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR, ENTITLED, "AN ACT LEVYING A TAX UPON CERTAIN CORPORATIONS."

Chap. 283

Be it enacted, &c., as follows:

SECTION 1. The assessors of the several cities and towns shall annually, on or before the first Monday of August, return to the tax commissioner hereinafter named, the names of all corporations, except banks of issue and deposit, having a capital stock divided into shares, chartered by this Commonwealth or organized under the general laws, for purposes of business or profit, and established in their respective cities and towns, or owning real estate therein, and a statement in detail of the works, structures, real estate and machinery owned by each of said corporations, and situated in such city or town, with the value thereof, on the first day of May preceding, and the amount at which the same is assessed in said city or town for the then current year. They shall also, at the same time, return to said tax commissioner the amount of taxes laid, or voted to be laid, within said city or town, for the then current year, for state, county and town purposes, including highway taxes.

Assessors to report annually to tax commissioner, name, property, works, etc., in detail, of corporations in town, except certain banks, with value May first.

Also, all taxes voted to be laid for current year.

SECTION 2. Every guardian who holds, or whose ward holds stock in any corporation, and every executor, administrator or other person, who holds in trust any such stock, shall, between the first and the tenth day of May in each year, return under oath to said commissioner the names and residences on the first day of that month, of themselves and all such wards, or other persons to whom any portion of the income from such stock is payable, the number of shares of

Guardians and persons having stock in trust to report under oath between first and tenth May.

stock so held, and the name and location of the corporation in which they are held.

Copartnerships.

Every copartnership shall, between the first and the tenth day of May in each year, make a like return, stating the amount of such stock owned by the firm, and the names and residences of all the partners, and the proportional interest or ownership of each partner in said stock.

Corporations, except certain, to return, under oath, shareholders and shares, capital, &c.

SECTION 3. Every corporation chartered by this Commonwealth, or organized under the general laws, for purposes of business or profit having a capital stock divided into shares, excepting banks of issue and deposit, and except those specified in section eight, shall annually, between the first and the tenth day of May, return to said commissioner, under the oath of its treasurer, a complete list of its shareholders, with their places of residence, the number of shares belonging to each on the first day of May, the amount of the capital stock of the corporation, its place of business, the par value and the market value of the shares on said first day of May. Such return shall, in the case of stock held as collateral security, state not only the name of the person holding the same, but also the name of the pledger and his residence. The returns shall also contain a statement in detail of the works, structures, real estate and machinery owned by said corporation, and subject to local taxation within the Commonwealth, and the location and value thereof. Railroad and telegraph companies shall return the whole length of their lines, and the length of so much of their lines as is without the Commonwealth. Other corporations, except those embraced in section eight, shall also return the amount, value and location of all works, structures, real estate and machinery owned by them and subject to local taxation without the Commonwealth.

Collateral stock.

Detailed statement.

Railway and telegraph companies.

Other companies, except as named in § 8.

Commissioner to learn market value of shares and estimate money value thereon.

SECTION 4. The tax commissioner shall ascertain, from the returns or otherwise, the true market value of the shares of each corporation included in the provisions of section three, and shall estimate therefrom the fair cash valuation of all of said shares constituting the capital stock of such corporation on the first day of May next preceding, which shall be taken as the true value of its corporate franchise for the purposes of this act.

Real estate and machinery of corporations taxable, value to be made.

He shall also ascertain and determine the value and amount of all real estate and machinery owned by each corporation, and subject to local taxation, and to the deductions hereinafter provided; and for this purpose he may take the amount or value at which such real estate and

machinery are assessed at the place where the same are located as the true amount or value; but such local assessment shall not be conclusive of the true amount or value thereof.

SECTION. 5. Every corporation embraced in section three shall annually pay a tax upon its corporate franchise at a valuation thereof equal to the aggregate value of the shares in its capital stock, as determined in the preceding section, after making the deductions provided for in this section, at a rate determined by an apportionment of the whole amount of money to be raised by taxation upon property in the Commonwealth during the same current year, as returned by the assessors of the several cities and towns under section one, upon the aggregate valuation of all the cities and towns in the Commonwealth for the preceding year, as returned under chapter one hundred and sixty-seven of the acts of the year eighteen hundred and sixty-one, and acts in addition thereto: *provided*, that in case the return from any city or town shall not be received prior to the twentieth day of August, the amount raised by taxation in said city or town the preceding year, as certified to the secretary of the Commonwealth, may be adopted for the purpose of this determination; and *provided, further*, that the amount of tax assessed upon polls the preceding year, as certified to the secretary of the Commonwealth, may be taken as the amount of poll-tax to be deducted from the whole amount to be raised by taxation, for the purpose of ascertaining the amount to be raised by taxation upon property. From the valuation, ascertained and determined as aforesaid, there shall be deducted,—*First*, in case of railroad and telegraph companies, whose lines extend beyond the limits of the Commonwealth, such portion of the whole valuation of their capital stock ascertained as aforesaid as is proportional to the length of that part of their line lying without the Commonwealth; and also an amount equal to the value, as determined by the tax commissioner, of their real estate and machinery located and subject to local taxation within the Commonwealth. *Second*, in case of other corporations, included in section three, an amount equal to the value, as determined by the tax commissioner, of their real estate and machinery, subject to local taxation, wherever situated.

Corporations embraced in § 3, taxation how determined.

Provisos.

Deductions: railroad and telegraph companies extending beyond state limits.

Other corporations in § 3.

SECTION 6. In case the value of the real estate and machinery located within the Commonwealth, of any corporation, as determined by the commissioner, shall be less than the value as determined by the assessors of the city or town where such real estate or machinery is taxable, said

Valuation of commissioner being less than assessors, and corporation, upon notice, failing to ask abatement in 30 days and, upon

refusal, to prosecute, shall be conclusive.

commissioner shall notify the corporation of such determination, and if said corporation shall not, within one month from the date of such notice, make application to said assessors for an abatement, and shall not, in case of the refusal of said assessors to grant an abatement, forthwith prosecute an appeal in accordance with the provisions of chapter eleven of the General Statutes, and give notice thereof to the tax commissioner, such determination shall be conclusive upon said corporation. The tax commissioner may appear before the county commissioners and be heard upon any appeal made to them, and the decision of the county commissioners shall be conclusive as to the value.

Co. chartered or organized without Commonwealth, owning or using line of telegraph in state, to report and pay under §§ 3 and 5.

SECTION 7. Every corporation or association chartered or organized elsewhere, which shall own, or control and use, under lease or otherwise, any line of telegraph, within this Commonwealth, shall be required to make all the returns prescribed in section three of this act to be made by telegraph companies within the Commonwealth, excepting the list of its shareholders; and shall annually pay a tax at the same rate, and to be ascertained and determined in the same manner as is provided in section five of this act; and all telegraph lines controlled and used by such corporation or association within this Commonwealth, shall, for the purposes of this act, be taken and considered as part of its own lines.

Corporat'n established by, or under laws of Commonwealth, for mining, etc., elsewhere; or by other state, with office in Mass., to make semi-annual returns, and pay tax.

SECTION 8. Every corporation chartered by this Commonwealth or organized under the general laws, for the purpose of engaging, without the limits of the Commonwealth, in the business of coal mining or other mining, quarrying or extracting carbonaceous oils from the earth, or for the purpose of purchasing, selling or holding mines or lands without the Commonwealth; and every such company or association, incorporated elsewhere, and having an office or place of business within the Commonwealth for the direction of its affairs or transfer of shares, shall, semi-annually, between the first and the tenth day of June and December, make a return, under the oath of its treasurer, or president, to the tax commissioner, of the whole amount of its capital stock, as fixed by the corporation, on the first day respectively of May and November next preceding, and pay to the treasurer of the Commonwealth a tax of one-twentieth of one per cent. upon said capital stock at the par thereof. All officers of such corporation, and other persons assuming to represent such corporation within the Commonwealth, by having charge of its affairs, or of books for the transfer of its shares, shall severally be personally liable

Officers and representatives to be personally liable.

for the amount of the tax imposed under this section upon said corporation, if the same shall not be paid by the corporation. The capital stock of any corporation established in this Commonwealth, subject to taxation under this section, shall not be reduced except upon application to the supreme judicial court sitting in any county. In case of such application, written notice shall be given to the tax commissioner and attorney-general of the Commonwealth, ten days at least before the hearing.

Capital not to be reduced, except by S. J. Court.

Notice required

SECTION 9. Every corporation mentioned in section eight, shall annually on or before the tenth day of June, submit to the tax commissioner, a report of the business of the corporation for the year ending on the first day of March next preceding, which report shall be signed and sworn to by its treasurer and a majority of its directors, and shall contain a full and accurate statement of the property held by such corporation, and of all the receipts and expenditures during said year in or on account of its business, and of all products thereof. Said report shall contain such details as shall be prescribed by the tax commissioner, who shall furnish to each corporation blank forms therefor.

Corporation to report, annually, business of year, with property and products.

Tax commissioner to furnish blank.

SECTION 10. The tax commissioner shall, from such report or otherwise, ascertain and determine the net profits or gains of each corporation, during the year aforesaid, from its property and business; and shall assess a tax of four per cent. upon the amount thereof.

Shall learn net profits and assess tax upon.

SECTION 11. The tax commissioner shall, as soon as may be after the first Monday in August, notify the treasurer of each corporation of the amount of its tax under this act, except the tax mentioned in section eight, to become due and payable to the treasurer of the Commonwealth within thirty days from the date of such notice: *provided*, that it shall not be due and payable earlier than the first day of November. Such notice shall also state that within ten days after the date thereof, the said corporation may apply for a correction of said tax, and be heard thereon before the board of appeal hereinafter established.

Shall notify treasurer of corporation of payment due.

Proviso.

Notice to inform of right of appeal.

SECTION 12. The treasurer of the Commonwealth shall be tax commissioner, with all the powers and duties conferred and imposed by this act upon that office. He may appoint a deputy, who shall, under his direction, exercise and perform said powers and duties, subject to appeal as hereinafter provided, and who shall receive a salary at the rate of eighteen hundred dollars per year; and may also appoint such clerks as may be necessary for the performance of the duties required by this act.

Treasurer of Commonwealth to be tax commissioner.

Deputy.

Clerks.

Board of appeal: treasurer and auditor, with counsellor; party may apply ten days after notice.

Hearing and decision.

Penalties for neglect by assessors or parties in interest.

Recovery.

Corporation fail'g to pay, treasurer of Commonwealth may sue.

Penalties and taxes may be enforced by treas'r in S. J. Court, and injunction upon corporation issued.

Certificate of commissioner or deputy to be evidence.

Shares taxed hereunder, to be exempt other tax: towns to receive sum paid by residents.

SECTION 13. The treasurer and auditor, together with one member of the council to be named by the governor, shall constitute a board of appeal, to which board any party aggrieved by the decision of said commissioner upon any matter arising under this act, may apply within ten days after notice of such decision. Upon such appeal said board shall, as soon as may be, give a hearing to such party, and shall thereupon decide the matter in question, which decision shall be final.

SECTION 14. If the assessors of any city or town shall neglect to comply with the requirements of this act, each assessor so neglecting shall forfeit the sum of one hundred dollars; any guardian, executor, administrator, trustee or copartnership neglecting to comply with said requirements, shall forfeit the sum of one hundred dollars; and any corporation neglecting to make returns according to the provisions of this act, or refusing or neglecting, when required thereto, to submit to the examinations provided for in section seventeen, shall forfeit two per cent. upon the par value of its capital stock; all which penalties may be recovered by an action of tort, brought in the name of the Commonwealth, either in the county of Suffolk or in the county where the corporation is located. If any corporation fails to pay the taxes required by this act, the treasurer of the Commonwealth may forthwith commence an action of contract in his own name, as treasurer, for the recovery of the same, with interest. All penalties under this act may also be enforced, and all taxes under this act may also be collected by information brought in the supreme judicial court at the relation of the treasurer of the Commonwealth, and upon such information the court may issue an injunction restraining the further prosecution of the business of the corporation named therein, until all taxes due or penalties incurred under this act shall be paid, with interest and costs. In any proceeding under this section the certificate of the tax commissioner or his deputy shall be competent evidence of all determinations made and notices given by him, and of all values, amounts and other facts, required to be fixed or ascertained by him, under this act.

SECTION 15. No taxes shall be assessed in any city or town for state, county or town purposes, upon the shares in the capital stock of said corporations, for any year for which they pay the tax under this act; but such proportion of the tax collected of each corporation under section five as corresponds to the proportion of the stock of such corporation owned by persons residing in this Commonwealth, shall be

credited and paid to the several cities and towns where it appears from the returns or other evidence that such shareholders resided on the first day of May next preceding, according to the number of shares so held in such cities and towns respectively: *provided*, that in case stock is held by copartners, guardians, executors, administrators or trustees, the proportion of tax corresponding to the amount of stock so held, shall be credited and paid to the towns where the stock would have been taxed, under the provisions of chapter eleven of the General Statutes; and *provided, further*, that when a town owns stock in any corporation taxed under this act, a return to said town shall be made in like manner as is provided in the case of stock held by individuals residing in said town. Provisos.

Said commissioners shall ascertain and determine the amount due to each city and town, under this section, subject to appeal as herein before provided, and shall notify the treasurer of each city and town thereof, and certify the amount, as finally determined, to the treasurer of the Commonwealth, who shall thereupon pay over the same. Commissioner to learn dues to towns and notify.

SECTION 16. The lessee of the works, structures, real estate or machinery of any corporation taxed under this act, shall be liable as well as the lessor to pay the amount of said tax, and upon such payment, may, in the absence of any agreement to the contrary, retain the same out of the rent of the property, or recover the same in an action against the lessor. Lessee of corporate property liable for tax.

SECTION 17. Every corporation to be taxed by this act shall, when required, submit its books to the inspection of the tax commissioner, and its treasurer and directors to examination on oath in regard to all matters affecting the determinations which are to be made by said commissioner. Corporation officers to submit books under oath.

SECTION 18. The tax herein imposed upon any corporation, shall not affect nor prevent the imposition and collection of any other tax now authorized, or that may hereafter be authorized, upon any especial privilege, franchise or business, enjoyed or exercised by such corporation: *provided, however*, that the tax required by section one of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two, to be paid by insurance companies incorporated under the laws of this Commonwealth, shall not be computed upon premiums received for insurance in other states, which are subject to a like tax in the state where received; *provided, further*, that the Massachusetts Hospital Life Insurance Company shall, instead of the Tax here imposed not to affect certain other levies.

Provisos: upon insurance premiums.

Mass. hospital life insurance company.

taxes imposed in section three of chapter two hundred and twenty-four of the acts of the year one thousand eight hundred and sixty-two, pay upon all moneys and property in the possession or charge of said company, as deposits, trust funds, or for purposes of investment, the same rate of tax as shall be imposed upon or paid by savings banks or institutions for savings on account of deposits.

Returns under §§
2, 3, for '65.

Corporations
making and pay-
ing hereunder,
acts of '64 not to
apply.

Parts act of '64
annulled: repeal,
how construed.

Act in force upon
passage.

SECTION 19. The additional returns required to be made under sections two and three of this act, may be made for the present year on or before the tenth day of June. Corporations making the returns, and paying the tax imposed by this act, shall be relieved from making the returns required by chapter two hundred and one of the acts of the year eighteen hundred and sixty-four.

SECTION 20. Such parts and provisions of chapter two hundred and eight of the acts of the year eighteen hundred and sixty-four, as are not herein continued in force, altered or amended, are hereby annulled; but this repeal shall not operate to revive any act repealed by the act aforesaid, nor to release any corporation from any liability already incurred under said act, nor shall it operate to prevent the credit or allowance to any savings bank or institution for savings to be made in June next, under the provisions of section seven of chapter two hundred and eight of the acts of the year eighteen hundred and sixty-four.

SECTION 21. This act shall take effect upon its passage; and a tax shall be laid and collected under the provisions thereof for the present year, in the same manner and to the same effect as if it had been in force on the first day of May.

Approved May 17, 1865.

Chap. 284 AN ACT IN ADDITION TO AN ACT AUTHORIZING THE TREASURER TO BORROW MONEY.

Be it enacted, &c., as follows:

Scrip issued under
ch. 122, '65,
may, in discre-
tion of governor
and council, bear
gold interest.

SECTION 1. The scrip or certificates of debt, or any portion of the same, authorized to be issued by chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, entitled "An Act to establish the Massachusetts War Fund, and to create a sinking fund for its redemption," may, in the discretion of the governor and council, bear interest, payable semi-annually in gold, at a rate not exceeding six per cent. per annum.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1865.

AN ACT MAKING AN APPROPRIATION FOR THE SALARY OF THE DEPUTY TAX COMMISSIONER, AND FOR OTHER PURPOSES. *Chap. 285*

Be it enacted, &c., as follows :

SECTION 1. There shall be paid out of the treasury of the Commonwealth, for the salary of the deputy tax commissioner, for the current year, a sum not exceeding twelve hundred dollars, and the same is hereby appropriated. Salary fixed and money appropriated.

SECTION 2. The appropriations heretofore made for the compensation of clerks, and for contingent expenses of the tax commissioners, shall apply to the clerks appointed, and contingent expenses incurred under chapter two hundred and eighty-three of the acts of the present year. Appropriations for tax commissioners to apply under ch. 283, '65.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1865.

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE IN FAVOR OF JOSEPH A. HOOPER.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Joseph A. Hooper, of Marblehead, the sum of eighty-four dollars, for twenty-eight days' attendance at the present session of the general court; and said sum is hereby appropriated.

Approved February 15, 1865.

Chap. 1.

Appropriation for services as representative.

RESOLVE AUTHORIZING THE SALE OF THE YACHT WHISPER.

Resolved, That the Board of State Charities is hereby authorized and directed, after giving public notice by advertising three several times in some newspaper published in the city of Boston, to sell at public auction the yacht Whisper, formerly used by the board of alien commissioners; and to pay the proceeds of such sale into the treasury of the Commonwealth.

Approved February 17, 1865.

Chap. 2.

Board of State charities may sell

Proceeds to be paid into treasury

RESOLVE CONCERNING THE PROCEEDINGS AND THE COMPENSATION OF THE VALUATION COMMITTEE AUTHORIZED BY THE LEGISLATURE OF EIGHTEEN HUNDRED AND SIXTY-FOUR.

Whereas, The valuation committee of the legislature authorized, by the resolve chapter seventy-four of the resolves of the year eighteen hundred and sixty-four, to sit in the recess of the general court, continued its session and its labors after the expiration of that political year; *therefore*,

Resolved, That the proceedings of said committee in so continuing in session are hereby ratified, that said committee are authorized to complete the valuation, and that the compensation of said committee, doorkeepers and messengers, continue as provided by resolve chapter one hundred and one of the resolves of the year eighteen hundred and sixty-four, for a session not exceeding fifty days from the first day of January, eighteen hundred and sixty-five.

Approved February 17, 1865.

Chap. 3.

Preamble.

Proceedings of committee ratified.

May finish work and receive pay. Assistants.

Chap. 4.

Appropriation for
compensation.

RESOLVE IN FAVOR OF THE VALUATION COMMITTEE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, a sum not exceeding seven thousand four hundred and sixty-five dollars, for the compensation of the valuation committee and of its clerk and messengers, in accordance with the rates of pay specified in chapter one hundred and one of the resolves of the year eighteen hundred and sixty-four.

Approved February 18, 1865.

Chap. 5.

May sell property
in Boston.

RESOLVE UPON THE PETITION OF SUSAN M. FOWLER AND ANOTHER.

Resolved, For reasons set forth in the petition of Susan M. Fowler and Sarah A. L. Hardinge, of the city of Brooklyn and state of New York, that they, together with their respective surviving children, the latter, so far as the same may be minors, acting by their respective guardian, be and the same are hereby authorized and empowered to sell, either at public or private sale, and to execute the necessary deed or deeds, and to convey in fee simple to the purchaser or purchasers thereof, free and discharged from all claims, trusts and remainders arising under or by virtue of the will of Josiah Bumstead, deceased, one undivided fifth part which they respectively hold in the real estate situated on Washington street in the city of Boston, and numbered one hundred and thirteen, with the privileges and appurtenance thereto belonging, and all the right, title, interest and estate, of which said Bumstead died seized and possessed therein: *provided*, that such sale shall be made under and according to leave and order of the judge of probate for the county of Suffolk, and the proceeds of each of the said petitioners' sale shall be placed in the hands of a trustee, appointed by the court of probate aforesaid for each petitioner respectively, to be safely invested, held, administered and disposed of, according to law and the will of said Josiah Bumstead, and said probate court is hereby fully empowered to give effect to the provisions of this resolve.

Approved March 3, 1865.

Chap. 6.

Pay for quarter-
ing troops.

RESOLVE IN FAVOR OF ISAAC H. SILSBY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Isaac H. Silsby, the sum of one hundred and twenty-five dollars, in full payment for quartering and provisioning troops during the months of April and May in the year eighteen hundred and sixty-one.

Approved March 11, 1865.

Chap. 7.

Allowance of five
thousand dollars
authorized.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the treasurer of the

Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates and means for reforming them, the sum of five thousand dollars. The said directors shall report to the legislature, in the month of January next, a detailed account of the manner in which this appropriation has been expended, the amount contributed by individuals, the total income and expenses of the institution, and the number of persons admitted, with the result of their treatment so far as can be ascertained.

Report required.

Approved March 11, 1865.

RESOLVE IN FAVOR OF THE MARSHPEE SCHOOLS.

Chap. 8.

Resolved, That the sum of seventy-five dollars be allowed and paid from the income of the school fund the present year, to the treasurer of the district of Marshpee, for the support of the schools in that district, and in addition to the sums now allowed for the support of said schools, upon the condition that the inhabitants of such district shall also appropriate and expend, for the use of said schools during the present year, twenty-five dollars in addition to the sum now annually paid by them for that purpose.

Allowance of \$75 for year.

Condition.

Approved March 11, 1865.

RESOLVE IN FAVOR OF JOHN HECTOR, A MEMBER OF THE HASSANAMISCO TRIBE OF INDIANS.

Chap. 9.

Resolved, For reasons set forth in the petition of John Hector, that there be allowed and paid out of the treasury of the Commonwealth, to Charles Brigham, of Grafton, trustee of the Hassanamisco tribe of Indians, one hundred dollars, to be expended for the benefit of the said John Hector.

Allowance of one hundred dollars to trustee.

Approved March 16, 1865.

RESOLVE IN FAVOR OF JEMIMA EASTON.

Chap. 10.

Resolved, For reasons set forth in the petition of Priscilla Freeman, that there be allowed and paid out of the treasury of the Commonwealth, to the overseers of the poor of the town of Tisbury, for the benefit of Jemima Easton, an Indian of the Deep Bottom tribe, residing in said town, the sum of one hundred and four dollars.

Allowance of one hundred and four dollars, to overseers of poor, Tisbury.

Approved March 16, 1865.

RESOLVE ON THE PETITION OF EDWARD H. ELDRIDGE, GUARDIAN.

Chap. 11.

Resolved, That Edward H. Eldredge, of Newton, in the county of Middlesex, as he is guardian of John W. Trull, of said Newton, an insane person, be and he is hereby authorized and empowered to enter into, execute and deliver an agreement and indenture with Gardner Brewer, of Boston, in the county of Suffolk, with such covenants and releases as shall to such guardian seem just and proper, for the purpose

May, as guardian of John W. Trull, make indenture.

Purpose. of altering and finally establishing and determining the boundary line between the respective adjoining estates of the said Trull and the said Brewer, in said Boston, lying next westerly of Hancock avenue, and fronting upon Beacon street; and that said guardian also have full power and authority to enter into any agreement with said Brewer respecting the foundations or superstructure upon and near the said boundary line, as he shall think will subserve the interest of his said ward and of all others concerned.

May make further agreement.

Approved March 16, 1865.

Chap. 12.

Allowance of \$54 for claim.

RESOLVE IN FAVOR OF WILLIAM HOLBROOK, JUNIOR.

Resolved, That for reasons set forth in the petition of William Holbrook, junior, there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty-four dollars and fourteen cents, in full for claim set forth in said petition.

Approved March 16, 1865.

Chap. 13.

Allowance of \$96 a year during life.

RESOLVE IN FAVOR OF WILLIAM H. H. JOY.

Resolved, That for reasons set forth in the petition of William H. H. Joy, of Boston, there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of ninety-six dollars a year during the remainder of his life, for injuries received while in the performance of military duty in the service of the Commonwealth; payments to be made semi-annually, and the first payment of forty-eight dollars to be made on the first day of April, in the year eighteen hundred and sixty-five.

Approved March 22, 1865.

Payments semi-annually.

Chap. 14.

Allowance of \$96 to selectmen of Westport.

RESOLVE IN FAVOR OF RHODA M. TAYLOR.

Resolved, For reasons set forth in the petition of Gideon W. Tripp and others, that there be allowed and paid out of the treasury of the Commonwealth, to the selectmen of the town of Westport, the sum of fifty dollars, to be expended for the relief of Rhoda M. Taylor, a member of the Dartmouth tribe of Indians.

Approved March 22, 1865.

Chap. 15.

Allowance for Sally Burr, of Cambridge.

RESOLVE IN FAVOR OF THE PUNKAPOG TRIBE OF INDIANS.

Resolved, That there be allowed and paid to the guardian of the Punkapog tribe of Indians, for the benefit of the following members of said tribe, to wit: for the benefit of Sally Burr, of Cambridge, the sum of fifty-two dollars; for the benefit of Sally Burr, of Boston, and her son James Burr, the sum of fifty-two dollars; for the benefit of Charlotte E. Myers, of Boston, one hundred dollars; and for the benefit of Rebecca Davis, of Boston, one hundred dollars.

Approved March 22, 1865.

Sally and James Burr, of Boston.

Charlotte E. Myers, Rebecca Davis.

RESOLVE IN RELATION TO THE PRICE OF BOARD IN STATE LUNATIC HOSPITALS. *Chap. 16.*

Resolved, That there be allowed and paid to the treasurers of the several lunatic hospitals, a sum sufficient to make the rate of board for the past year three dollars per week for each insane state pauper therein supported, the same to be paid from the surplus of the appropriation for lunatic hospitals, for the year eighteen hundred and sixty-four; and that there shall be allowed and paid for the board of insane state paupers for the current year, a sum not exceeding three dollars and twenty-five cents per week.

Appropriation for '64: surplus may be used to make rate \$3 per week.

Current year.

Approved March 22, 1865.

RESOLVE IN FAVOR OF THE PERKINS' INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND, AND OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH. *Chap. 17.*

Resolved, That the trustees of the Perkins' institution and Massachusetts asylum for the blind, or the trustees of the Massachusetts school for idiotic and feeble-minded youth, may charge for receiving and educating indigent persons and the children of indigent persons, designated by the governor to be received by them according to law, such price by the week, for each such state beneficiary, as they may determine, with the approval of the governor; the amount to be fixed in each case, with reference to the ability of such indigent person, or the parents of such child, to contribute towards the expense of his education and support.

Trustees may fix price for beneficiaries, with approval of governor.

Conditions.

Approved March 24, 1865.

RESOLVE IN FAVOR OF THE FAMILY OF JOSEPH T. WRIGHT, DECEASED. *Chap. 18.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of three hundred dollars, to the family of Joseph T. Wright, of Marblehead, deceased, a member elect of the present legislature for the fourteenth district of the county of Essex.

Allowance to family of late representative.

Approved March 24, 1865.

RESOLVE IN FAVOR OF RUFUS H. BRIGHAM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Rufus H. Brigham, of Marlborough, the sum of thirty-four dollars, in full compensation for military services performed between the twentieth day of June and the seventeenth day of July in the year eighteen hundred and sixty-two.

Chap. 19.

Allowance of \$34 for military service.

Approved March 27, 1865.

RESOLVE IN FAVOR OF THE NORTHAMPTON LUNATIC HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the North-

Chap. 20.

Appro'n authorized for boilers and apparatus.

ampton lunatic hospital, the further sum of four thousand dollars, for the purpose of completing the boilers and heating apparatus for said hospital.

Approved March 27, 1865.

Chap. 21. RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

Further allowance of \$3,000 for current expenses.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the Massachusetts school for idiotic and feeble-minded youth, at South Boston, the further sum of three thousand dollars, to meet the necessary current expenses of that institution.

Approved March 27, 1865.

Chap. 22. RESOLVE IN AID OF THE TEMPORARY ASYLUM FOR DISCHARGED FEMALE PRISONERS.

Allowance of \$2,500 provisionally.

Resolved, That there be allowed and paid from the treasury of the Commonwealth the sum of twenty-five hundred dollars to the temporary asylum for discharged female prisoners, provided that a like sum shall have been realized by private donation.

Approved March 27, 1865.

Chap. 23. RESOLVE IN FAVOR OF JOHN L. BRIGHAM.

Allowance of \$56.66 for military service.

Resolved, That for reasons set forth in the petition of John L. Brigham, there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty-six dollars and sixty-six cents, the same being in full for services rendered by him, as third lieutenant in company B, of the eleventh regiment of Massachusetts infantry, from the ninth day of May to the thirteenth day of June, in the year eighteen hundred and sixty-one.

Approved March 28, 1865.

Chap. 24. RESOLVE TO LEGALIZE CERTAIN ACTS DONE BY THE TREASURER OF THE COMMONWEALTH.

Payments of interest ratified, with authority to pay same rate for current year.

Resolved, That the payments of interest at the rate of six per centum per annum, on deposit loans heretofore made by the treasurer of the Commonwealth, under advice of the governor and council, are hereby ratified and confirmed, and he shall have authority to pay the same rate of interest upon the same class of loans for the remainder of the current year.

Approved March 30, 1865.

Chap. 25. RESOLVE IN FAVOR OF THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX.

Appropriation of \$100 for expense upon Essex bridge.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the county commissioners of the county of Essex, the sum of one hundred dollars, to defray the expense incurred by them in behalf of the Essex bridge; and the same is hereby appropriated to be paid out of the Essex bridge fund.

Approved April 1, 1865.

RESOLVE IN FAVOR OF J. SCOTT TODD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to J. Scott Todd, of Rowley, the sum of two hundred dollars, in full compensation for services rendered as post-adjutant at Camp Lander from the sixth day of September to the fourth day of December, in the year eighteen hundred and sixty-two.

Approved April 3, 1865.

Chap. 26.

Allowance of two hundred dollars, for services at Camp Lander.

RESOLVE IN RELATION TO THE TREASURY.

Resolved, That to facilitate negotiations for temporary loans, to meet emergencies that may arise in the treasury of the Commonwealth, which loans are not now available from the banks of the state, the treasurer and receiver-general is hereby authorized to make such arrangements, and pay such rate of interest upon such loans, for the current year, as the governor and council may approve.

Approved April 4, 1865.

Chap. 27.

Treasurer may make emergency loans, and pay interest approved by governor and council.

RESOLVE DIRECTING THE TREASURER AND RECEIVER-GENERAL TO ENFORCE THE PAYMENT OF CERTAIN NOTES AND INTEREST DUE THE COMMONWEALTH.

Resolved, That the treasurer and receiver-general of the Commonwealth be and he hereby is authorized and directed to take proper legal measures for the collection of any notes given to the Commonwealth, which are due and unpaid, and also for the collection of any interest that may be due and unpaid upon any notes given to the Commonwealth.

Approved April 4, 1865.

Chap. 28.

Shall proceed to collect debts or interest due.

RESOLVE IN FAVOR OF A. C. CHADWICK.

Resolved, That the treasurer of the Commonwealth be and he hereby is authorized and empowered to refund and pay back to A. C. Chadwick the sum of forty-six dollars and fifty cents, said sum having been required of and paid by him into the treasury of the Commonwealth, as agent of an insurance company incorporated by the laws of the state of Connecticut, under a misconception of the laws of said state.

Approved April 4, 1865.

Chap. 29.

Treasurer may refund to, money paid as agent of insurance co'y.

RESOLVE UPON THE PETITION OF CATHERINE S. KILTON AND OTHERS.

Resolved, For reasons set forth in the petition of Catherine S. Kilton, Mary B. Thomas and Abigail B. Whitney, that they, together with their respective surviving children, the latter, so far as the same may be minors, acting by their respective guardians, be and the same are hereby authorized and empowered to sell, either at public auction or private sale, and to execute all necessary deed or deeds, and to convey in fee simple to the purchaser or purchasers thereof, free and discharged from all claims, uses, trusts and remainders,

Chap. 30.

May sell and convey real estate in Boston.

Proviso.

arising under or by virtue of the will of Josiah Bumstead, deceased, the real estate left by said deceased on Bowdoin street, at or near number twenty-two on said street, in Boston, with the privileges and appurtenances thereto belonging, and all the right, title, interest and estate of which said Bumstead died seized and possessed therein: *provided*, that such sale shall be made under and according to leave and order of the supreme judicial court, and the proceeds of each of said petitioners' interest in such sale shall be placed in the hands of a trustee or trustees appointed by the court aforesaid, to be safely invested, held, administered and disposed of, according to law and the will of said Josiah Bumstead; and said court is hereby fully empowered to give effect to the provisions of this resolve.

Approved April 4, 1865.

Chap. 31. RESOLVE IN FAVOR OF SAMUEL CISCOE AND OTHERS, MEMBERS OF THE HASSANAMISCO TRIBE OF INDIANS.

Allowance of two hundred dollars for, to selectmen of Grafton.

Resolved, For reasons set forth in the petition of Samuel Ciscoe and others, members of the Hassanamisco tribe of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to the selectmen of the town of Grafton, the sum of two hundred dollars, to be expended by them in the repair of the house of said Samuel Ciscoe and others.

Approved April 4, 1865.

Chap. 32. RESOLVE IN FAVOR OF SCHOOLS AMONG THE INDIANS OF GAY HEAD.

Allowance of \$149 from income of school fund, to John Mayhew, of Edgartown.

Resolved, That there be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, to John Mayhew, of Edgartown, the sum of one hundred and forty-nine dollars, to be applied to the support of schools among the Indians of Gay Head, during the year eighteen hundred and sixty-five; and said Mayhew shall make a return of the expenditure of this money and the condition of the schools, to the governor and council, previous to the next session of the legislature.

Approved April 8, 1865.

Chap. 33. RESOLVE IN FAVOR OF BARNARD C. MARCHANT, GUARDIAN OF CERTAIN INDIAN TRIBES IN DUKES COUNTY.

Allowance of \$186.49 for support of certain Indians.

Resolved, For reasons set forth in the petition of Barnard C. Marchant, guardian of the Christiantown and Chappaquiddic tribes of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to said guardian, the sum of one hundred and eighty-six dollars and forty-nine cents, or as much of the same as may be necessary for the support of Nelly Joseph, Asa Peters, and others mentioned

in said petition. Also, that there be allowed and paid out of the school fund of this Commonwealth, to the guardian of said tribes, the sum of one hundred and four dollars, to aid in the support of schools among the said Indians, for the year eighteen hundred and sixty-five. *Approved April 8, 1865.*

RESOLVE TO PROVIDE ADDITIONAL ACCOMMODATION FOR THE STATE INDUSTRIAL SCHOOL AT LANCASTER.

Chap. 34.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the State Industrial School for Girls, at Lancaster, the sum of twenty-five hundred dollars, for the purpose of repairing, enlarging and furnishing the house now known as number five, so as to provide accommodations for the same number of pupils and teachers as the other schools, together with suitable hospital conveniences: *provided, however,* that said trustees shall be allowed no pay or commissions for their services.

Also, \$104, from school fund, for schools.
Allowance of \$2,500 for school and hospital conveniences.

Proviso.

Approved April 8, 1865.

RESOLVE IN FAVOR OF THE DISCHARGED SOLDIERS' HOME.

Chap. 35.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Discharged Soldiers' Home, located in Springfield street, in the city of Boston, to be expended by the directors of the institution in temporarily caring for and aiding disabled and destitute soldiers, who have been honorably discharged from the service of the United States, a sum not exceeding twenty thousand dollars; said payment to be made, from time to time, in such sums as may be applied for by the president and two vice-presidents of said institution. The officers of the institution shall report to the legislature, in the month of January next, a detailed account of the manner in which this appropriation has been expended, the amount contributed by individuals, the total expenses of the institution, and the number of persons admitted and relieved during the year.

Allowance of \$20,000, for temporary aid.

Payments, how made.

Report required.

Approved April 8, 1865.

RESOLVE CONCERNING THE SOLDIERS' NATIONAL CEMETERY.

Chap. 36

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the Soldiers' National Cemetery, a corporation established by the state of Pennsylvania, the sum of four thousand two hundred and five dollars and thirty cents, being the proportion for Massachusetts of the estimated expenses of finishing the cemetery at Gettysburg; also, that there be allowed and paid, to Henry Edwards, commissioner from Massachusetts, the sum of one hundred and twenty-three dollars and forty-seven cents, for expenses

Payment of Mass. estimated proportion of expense authorized.

Also, expenses of commissioner in attending meetings.

paid by him while attending meetings of the commissioners of said Soldiers' National Cemetery.

Approved April 8, 1865.

Chap. 37.

RESOLVE GRANTING TAXES TO THE SEVERAL COUNTIES.

Resolved, That the sums placed against the names of the several counties in the following schedule, be and are hereby granted as a tax for each county, respectively, to be assessed, paid, collected and applied according to law, viz.: Barnstable, eight thousand dollars; Berkshire, twenty-five thousand dollars; Bristol, sixty thousand dollars; Essex, one hundred thousand dollars; Dukes, four thousand dollars; Franklin, thirteen thousand dollars; Middlesex, one hundred and fourteen thousand dollars; Hampshire, twenty thousand dollars; Hampden, twenty-nine thousand dollars; Norfolk, sixty thousand dollars; Plymouth, thirty thousand dollars; Worcester, eighty-five thousand dollars.

Approved April 27, 1865.

Chap. 38.

RESOLVE CONFIRMING A CERTAIN DEED FROM THE PROPRIETORS OF THE DISTRICT OF MARSHPEE.

Deed to Henry W. and Charles S. Goodspeed.

Resolved, That a certain deed from the proprietors of the district of Marshpee to Henry W. Goodspeed and Charles S. Goodspeed, and which is recorded in the registry of deeds for the county of Barnstable, book eighty-six, page four hundred and seventy, is hereby approved, ratified and confirmed, and the title of said grantees under the same is hereby declared good and valid: *provided*, that this resolve shall in no wise affect the rights which any person may have in the land set forth and described in said deed.

Proviso.

Approved April 27, 1865.

Chap. 39.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Allowance of \$3,000 for current year.

Resolved, That the sum of three thousand dollars be allowed and paid from the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary, to be expended during the current year, under the direction of the trustees thereof, for the charitable purposes of said infirmary; and the said trustees shall report to the legislature, in the month of January next, a detailed account of the manner in which this appropriation has been expended.

Report required.

Approved April 27, 1865.

Chap. 40.

RESOLVE AUTHORIZING THE CITY COUNCIL OF CAMBRIDGE TO REMOVE CERTAIN TOMBS AND REMAINS OF THE DEAD.

May remove from burial ground, as friends of dead may designate.

Resolved, That the city council of the city of Cambridge is hereby authorized, at the expense of said city, to remove the remains of the dead from the burial ground between

Broadway and Harvard street, in ward number two, in said Cambridge, to the Cambridge cemetery or such other burial place in the vicinity of Cambridge as the relatives and friends of the deceased may designate and provide; to remove the tombs now standing in said burial ground, and to level and grade the surface of said ground, upon the following terms and conditions: such removal shall be made under the supervision of the commissioners of the Cambridge cemetery; the remains of the dead shall be reinterred in a suitable and proper manner, due regard being paid to the relationship and families of the deceased, whose relatives shall have the right to assist in the removal; and a plan of the grounds in said cemetery to which such remains shall be removed, showing the position of all the known dead so removed, shall be made and filed in the office of the clerk of said city for future reference. The remains of all the dead in said tombs and burial ground shall be removed, together with the headstones and monuments now remaining, which shall be duly replaced to indicate the new graves of the deceased to whose memory they were erected. Removals of remains may be made by friends of the deceased, under the direction of said commissioners, and subject to such reasonable restrictions as they may impose; but no removals, unless at the request of the relatives or friends of the deceased, shall be made until said commissioners shall have first given notice to all persons interested, by a publication of this resolve twelve successive weeks in the Cambridge Chronicle, and in at least two newspapers published in the city of Boston, and by notice in writing to the owners of said tombs. If the owner of any tomb shall, before the first day of May in the year eighteen hundred and sixty-six, request it, the said commissioners shall cause such tomb to be appraised by three disinterested persons to be appointed by any judge of the superior court, and the appraised value of such tomb having been reported to the superior court, holden within the county of Middlesex, and by said court accepted, shall be paid by said city to said owner, before such tomb shall be removed. Said ground shall be surrounded by suitable enclosures, and shall forever remain unused for a public street, unoccupied by any building, and open as a public park.

Approved April 29, 1865.

May remove tombs, &c.

Conditions.

All remains to be removed and headstones replaced over new graves.

Removal may be by friends of deceased.

Notice to be first given by commissioners of cemetery in newspapers, and to owners of tombs.

Value of tomb may be appraised and paid by city.

Grounds to become public park.

RESOLVE IN FAVOR OF SAMUEL S. CONSTANT.

Resolved, That all the right, title and interest of this Commonwealth in and to a certain lot or parcel of land lying in the cemetery of Mount Auburn, in the county of

Chap. 41.

Title of Com'th in certain lot of Mt. Auburn cemetery released to.

Middlesex, and numbered in said cemetery twenty-eight hundred on Sylvan Path therein, be and the same hereby is conveyed and released to Samuel S. Constant, his heirs and assigns.

Approved April 29, 1865.

Chap. 42.

Allowances for improvements.

RESOLVE CONCERNING THE STATE ARSENAL.

Resolved, That there be allowed and paid for improvements at the state arsenal, the following sums, to wit: for shutters on the new building, a sum not exceeding fourteen hundred dollars; for shutters on the old building, a sum not exceeding seven hundred dollars; for work-shop, a sum not exceeding forty-three hundred dollars; for steam-engine, shafting and lathe, a sum not exceeding thirty-six hundred dollars; for grading new lot and repairing drive-way, a sum not exceeding one thousand dollars.

Approved April 29, 1865.

Chap. 43.

Governor to appoint commissioners to edit.

RESOLVES RELATING TO THE PUBLICATION OF THE PROVINCIAL STATUTES.

Resolved, That the governor, with the consent of the council, be and he hereby is authorized and empowered to appoint three or more commissioners, learned in the law and in the history of Massachusetts, whose duty it shall be to prepare for publication a complete copy of the statutes and laws of the province and state of Massachusetts Bay, from the time of the province charter to the adoption of the constitution of the Commonwealth, including all the sessions, acts, private and public, general and special, temporary and perpetual, passed from time to time by the general court, all incorporations of towns and parishes, and all other legislative acts of legal or historical importance appearing on the records of the general court, with suitable marginal references to the statutes and judicial decisions of the province and Commonwealth, the orders of the king in council, and to such other authorities as in their opinion may enhance the value and usefulness of the work, and to append to the same a full and complete index.

Deposit of copy.

Resolved, That said copy, when so prepared and completed shall be deposited in the office of the secretary of the Commonwealth.

Allowance for expenses.

Resolved, That for the purpose of procuring a manuscript copy of said statutes, and for other clerical assistance, a sum not exceeding one thousand dollars shall be allowed and paid out of the treasury from time to time upon the approval of the governor.

Approved April 29, 1865.

RESOLVES FOR THE REPUBLICATION OF A REPORT ON THE INVERTEBRATE ANIMALS OF MASSACHUSETTS.

Chap. 44.

Resolved, That it is expedient to republish twelve hundred copies of the Report of Dr. A. A. Gould, on the Invertebrate Animals of Massachusetts, with such corrections and additions as may be deemed important by the author, and under his supervision, with the aid of such other person as may be appointed by the governor and council; and the expense attending such publication shall be allowed and paid out of the treasury, to an amount not exceeding four thousand dollars.

Author, with person appointed by governor, to supervise.

Expense.

Resolved, That two hundred copies of the report be given to the author, in consideration of his otherwise gratuitous services in its preparation and publication, and that the future copy-right be assigned to him; and that fifty copies of the same be placed at the disposal of the governor and council, for such gratuitous distribution as they may think proper, and that every college and normal school, and every public library in the state shall have one copy, and every member of the present legislature shall have one copy; the remainder of the edition to be at the disposal of a future legislature.

Distribution and copy-right.

Approved May 1, 1865.

RESOLVES CONCERNING THE OBSTRUCTIONS TO THE PASSAGE OF FISH IN THE CONNECTICUT AND MERRIMACK RIVERS.

Chap. 45.

Resolved, That his excellency the governor, by and with the advice and consent of the council, is authorized to appoint two commissioners, whose duty it shall be to cause observations to be made, during the months of May and June, of the height of the water upon the crests of the dams at Lowell, Lawrence and Holyoke, the heights of the flash boards upon said dams, respectively, the right of the owners to maintain such flash boards, and if they are uniformly maintained thereon during said months; also, to ascertain the extent and degree of the discoloration of the water of said rivers below said dams, caused by the discharge of dyestuffs and other noxious matter therein from the manufactories, and the effects of such matter upon the water and the fish inhabiting the same; and further, to make inquiries and ascertain the best mode of constructing fishways over said dams, the expense of the same, and such further facts touching fishways and their usefulness in aiding the passage of fish over obstructions as said commissioners may deem useful or expedient.

Governor to appoint commission of observat'n and inquiry.

Resolved, That said commissioners communicate with such commissioners as may be appointed by the states of New Hampshire and Vermont, upon the subject embraced

Commission to advise with like agents of New Hampshire and Vermont.

in these resolutions; ascertain the legislation which has from time to time taken place in those states concerning the erection of dams in either of said rivers, and the height of said dams, respectively; if fishways suitable for the passage of shad and salmon exist in said dams, or any of them, and if said states possess the right to maintain, or cause to be maintained, suitable fishways for the passage of such fish up said rivers to their sources, or to any and what extent.

Shall learn facts of supply, value and habits of fish.

Resolved, That said commissioners ascertain, so far as practicable, the supply of shad and salmon in said rivers previous to any obstructions being placed therein, when such supply began to fail, and the causes generally assigned for such failure, with such further information touching the value of the fisheries and the habits of the fish as may be attainable.

Report.

Resolved, That said commissioners make a report of their doings to the governor and council, on or before the first day of December next.

Obligations of Essex Company to rebuild fishway suspended.

Resolved, That the obligation of the Essex Company to rebuild a fishway in their dam on Merrimack river, in accordance with their charter and the prescription of the county commissioners of Essex county, be suspended until the first day of July, in the year one thousand eight hundred and sixty-six.

Transmission of resolves to States.

Resolved, That his excellency the governor be requested to transmit a copy of these resolutions to the governors of the states of New Hampshire and Vermont.

Approved May 3, 1865.

Chap. 46. RESOLVE IN FAVOR OF THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN.

Allowance of five thousand dollars, for real estate.

Resolved, That the sum of five thousand dollars be and the same is hereby allowed from the treasury of the Commonwealth, to the New England Hospital for Women and Children, to be expended in the payment for and improvement of the real estate now occupied by them: *provided*, that an equal sum is subscribed and paid by individuals, and expended for the same purpose, and further, that no part of this appropriation or subscription shall be used for the current expenses of the institution. The directors of said hospital shall report to the legislature, during the month of January next, the manner in which this appropriation has been expended.

Proviso: equal sum to be paid by persons.

No part to be us'd currently.

Directors to report expenditure.

Approved May 4, 1865.

Chap. 47. RESOLVE UPON THE PETITION OF EUNICE H. LEONARD, GUARDIAN.

May, as guardian of daughters, convey property to son.

Resolved, For reasons set forth in the petition of Eunice H. Leonard, of Norton, that she be and hereby is authorized

and empowered, in her capacity as guardian of her daughters, Florence C. Leonard and Henrietta F. Leonard, to convey to her son, Jacob A. Leonard, all the right, title and interest which said daughters have in and to certain land described in a deed from Cromwell Leonard, late of Norton, deceased, to his son Luen C. Leonard, deceased, dated June fifth, in the year one thousand eight hundred and forty-nine: *provided*, that such conveyance shall be made under and according to leave and order of the judge of probate for the county of Bristol, who is hereby authorized to grant such leave, if he shall deem it expedient. *Approved May 4, 1865.*

Proviso: judge of probate to authorize.

RESOLVE TO PROVIDE COMPENSATION FOR TAKING THE CENSUS FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-FIVE.

Chap. 48.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to each person duly authorized and employed in taking the census for the year eighteen hundred and sixty-five, under the provisions of chapter sixty-nine of the acts of said year, three dollars for each day of ten hours actually employed in such service. All bills for such service shall be approved by the mayor of the city or the selectmen of the town where such service shall have been rendered. *Approved May 5, 1865.*

Allowance of \$3 per day.

Bills to be approved.

RESOLVE IN FAVOR OF CERTAIN OFFICERS OF THE STATE PRISON.

Chap. 49.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to each of the subordinate officers of the state prison, excepting the deputy warden and clerk, at the rate of one hundred dollars per annum, in addition to their present compensation for the current year. *Approved May 5, 1865.*

Extra compensation of \$100 for current year.

RESOLVE IN FAVOR OF THE AMERICAN ASYLUM FOR THE DEAF AND DUMB AT HARTFORD.

Chap. 50.

Resolved, That in addition to the sum already allowed by law for the support and instruction of beneficiaries of Massachusetts, at the American Asylum for the Deaf and Dumb at Hartford, in the state of Connecticut, there be allowed and paid from the treasury of the Commonwealth a sum not exceeding five thousand dollars, as the governor may deem expedient. *Approved May 5, 1865.*

Allowance of \$5,000 additional for beneficiaries.

RESOLVE IN FAVOR OF ISANNA C. VALENTINE AND OTHERS.

Chap. 51.

Resolved, That Isanna C. Valentine, widow of Charles Valentine, late of Cambridge, with their surviving children,—the latter, so far as they may be minors, acting by their respective guardians,—be and they are hereby authorized and empowered to sell, either at public auction or private

May sell and convey estate left by Charles Valentine

Proviso.

sale, and to execute all necessary deed or deeds, and to convey in fee simple to the purchaser or purchasers thereof, free and discharged from all claims, uses, trusts and remainders arising under or by virtue of the will of said Charles Valentine, the real estate left by said deceased on Prospect Street, in said Cambridge, with the privileges and appurtenances thereunto belonging, and all the right, title, interest and estate of which said Charles Valentine died seized and possessed therein: *provided*, that such sale shall be made under and according to leave and order of the supreme judicial court, and the proceeds of such sale placed in the hands of a trustee or trustees appointed by said court, to be safely invested, held, administered and disposed of according to law and the will of said Charles Valentine, and said court is hereby fully empowered to give effect to the provisions of this resolve.

Approved May 9, 1865.

Chap. 52. RESOLVE TO ESTABLISH THE BOUNDARY LINE BETWEEN THE STATES OF MASSACHUSETTS AND RHODE ISLAND.

Line from Conn.
to Burnt Swamp
Corner.

Resolved, That the boundary line between the state of Rhode Island and the Commonwealth of Massachusetts, from the line of the state of Connecticut to Burnt Swamp Corner, begins at the north-west corner of the state of Rhode Island, on the Connecticut line, in latitude forty-two degrees and twenty-nine seconds north, and longitude seventy-four degrees, forty-eight minutes and eighteen seconds west of Greenwich, and runs in a straight line twenty-one and five hundred and twelve thousandths miles, to Burnt Swamp Corner, in Wrentham, being in latitude forty-two degrees, one minute and eight seconds, and longitude seventy-one degrees, twenty-three minutes and thirteen seconds.

Approved May 9, 1865.

Chap. 53. RESOLVE FOR PAYING THE EXPENSES OF THE MASSACHUSETTS ALLOTMENT COMMISSIONERS.

Pay of secretary,
and for agents,
printing, travel,
&c., allowed.

Resolved, That the Massachusetts allotment commissioners be authorized to allow their secretary, for his services during the present year, compensation at the rate of five hundred dollars per annum, and that there be allowed and paid from the treasury of the Commonwealth for the use of the commissioners during the present year, for compensation of their secretary as aforesaid, printing, stationery, cost of travel and expenses and compensation of agents appointed under the direction of the governor, a sum not exceeding one thousand dollars.

Approved May 9, 1865.

RESOLVE TO PROVIDE COMPENSATION FOR OBTAINING THE INDUSTRIAL STATISTICS OF THE COMMONWEALTH FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-FIVE.

Chap. 54.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to each person duly authorized and employed in obtaining the industrial statistics of the Commonwealth for the year eighteen hundred and sixty-five, under the provisions of chapter one hundred and forty-six of the acts of said year, three dollars for each day of ten hours actually employed in such service: *provided, however*, that if any person so employed shall, in connection with such service, be also employed in taking the census, under the provisions of chapter sixty-nine of the acts of said year, then such person shall be paid but three dollars a day for all the services rendered under the provisions of both of said acts. All bills shall be approved by the mayor of the city, or the selectmen of the town, where such services shall have been rendered.

Allowance of \$3 per day.

Proviso.

Bills to be approved.

Approved May 9, 1865.

RESOLVE IN FAVOR OF HENRY K. OLIVER.

Resolved, That there be allowed and paid to Henry K. Oliver, a sum not exceeding six hundred and fourteen dollars for an amount accounted for by him, as erroneously paid to soldiers and others, in his capacity as treasurer of the Commonwealth, on orders subsequently proved to have been forged, and to persons making false statements as to their identity.

Chap. 55.

Remuneration for losses under erroneous payments.

Approved May 10, 1865.

RESOLVE IN FAVOR OF THE TOWN OF NANTUCKET.

Resolved, That there be paid out of the treasury of the Commonwealth, to the town of Nantucket, five hundred and eighty-eight dollars and fifty-nine cents, being the amount which would have been paid to said town under the provisions of the eighth section of chapter two hundred and eight of the acts of the year eighteen hundred and sixty-four, if the stock owned by said town in a railroad corporation, had been owned by individuals residing in said town on the first day of May in the year eighteen hundred and sixty-four.

Chap. 56.

Allowance of \$588.59 on account of railroad stock owned by town.

Approved May 12, 1865.

RESOLVE IN FAVOR OF THE TOWN OF ROCKPORT.

Resolved, That there be paid out of the treasury of the Commonwealth to the town of Rockport, six hundred and fifty-six dollars and twenty-five cents, being the amount which would have been paid to said town under the provisions of the eighth section of chapter two hundred and eight of the acts of the year eighteen hundred and sixty-four,

Chap. 57.

Allowance of \$656.25 on account of railroad stock owned by town.

if the stock owned by said town in a railroad corporation, had been owned by individuals residing in said town on the first day of May in the year eighteen hundred and sixty-four.

Approved May 12, 1865.

Chap. 58. RESOLVE FOR PRINTING ABSTRACTS OF THE CENSUS AND INDUSTRIAL STATISTICS FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-FIVE.

Secret'y to cause printed 5,000 copies each for 1865.

Distribution.

Resolved, That there be printed, under the direction of the secretary of the Commonwealth, five thousand copies of the abstract of the census, and five thousand copies of the abstract of industrial statistics for the year eighteen hundred and sixty-five, to be distributed as follows: one hundred copies of each shall be given to the governor and council for such distribution as they may see fit to make, one copy to each member of the present legislature, one copy to each member of the next legislature, one copy to each college, normal school, public library, and to each city and town clerk in the Commonwealth; and the residue shall be left to the disposal of the secretary of the Commonwealth.

Approved May 13, 1865.

Chap. 59. RESOLVE CONCERNING THE ESTABLISHMENT OF POLICE COURTS AND THE DIVISION OF THE COMMONWEALTH INTO JUDICIAL DISTRICTS.

Committee of legislature to be appointed to consider and report.

Resolved, That a committee of this legislature, consisting of one member of the senate and two members of the house of representatives, be appointed to consider the expediency of dividing the Commonwealth into judicial districts, and establishing police courts, which shall have jurisdiction of all causes, both civil and criminal, within their respective districts, such as are now within the jurisdiction of police courts, trial justices and justices of the peace; said committee to act without compensation and to report to the next general court.

Approved May 13, 1865.

Chap. 60. RESOLVE AUTHORIZING THE APPOINTMENT OF A TRUSTEE OF THE ANTIETAM NATIONAL CEMETERY.

Governor may appoint trustee to act under laws of Maryland.

Resolved, That the governor, by and with the advice and consent of the council, is authorized to appoint some suitable person to be a trustee of the Antietam National Cemetery, to exercise the powers and discharge the duties prescribed in the act of the general assembly of the state of Maryland, passed on the twenty-third day of March, in the year eighteen hundred and sixty-five, incorporating said cemetery, and such other acts as may be passed by said general assembly relating thereto.

Approved May 13, 1865.

RESOLVE AUTHORIZING THE APPOINTMENT OF COMMISSIONERS UPON THE SUBJECT OF PLACING STATUES IN THE OLD HALL OF THE HOUSE OF REPRESENTATIVES.

Chap. 61.

Resolved, That the governor, by and with the advice and consent of the council, is hereby authorized to appoint three persons to be commissioners, to serve without compensation, who shall consider the provisions of the act of congress, passed July second, in the year eighteen hundred and sixty-four, setting apart the old hall of the house of representatives for a hall of statuary, and that said commissioners, on or before the first day of December next, shall report to the governor such a plan, in compliance with the act of congress, as they deem advisable, accompanying the report of a plan with such suggestions as they deem proper in reference to the eras in the history of the Commonwealth to be commemorated by the statues which it is proposed to erect.

Governor may appoint commissioners to report on first Dec., '65.

Approved May 13, 1865.

RESOLVE IN RELATION TO THE HOURS OF LABOR.

Chap. 62.

Resolved, That a commission, consisting of five persons, be appointed by the governor, to serve without compensation, to collect information and statistics in regard to the hours of labor, the condition and prospects of the industrial classes, with such other information as they may deem proper; and report the result of such investigation to the next legislature for its action.

Governor to appoint commission to report to next legislature.

Approved May 13, 1865.

RESOLVES IN RELATION TO PLYMOUTH HARBOR.

Chap. 63.

Resolved, That there be allowed and paid out of the fund created by the one hundred and eighteenth chapter of the acts of the year eighteen hundred and sixty-three, five thousand dollars, to be expended upon Plymouth beach, in the town of Plymouth, for the purpose of protecting the harbor of said town.

Allowance of \$5,000 for protection.

Resolved, That the selectmen of Plymouth, without any expense to the Commonwealth for their services, have full power to expend such portion of the sum named in the first resolve, as may be needed to protect said harbor from the destruction which threatens it.

Selectmen may expend.

Resolved, That the expenditure hereby authorized is in anticipation of a duty which clearly belongs to the general government, and is now assumed by Massachusetts in the present exigency, relying upon ultimate reimbursement therefor.

Duty of U. S. declared.

Approved May 13, 1865.

Chap. 64.

RESOLVE CONCERNING A STATUE OF EDWARD EVERETT.

Preamble.

Whereas, The friends of the late Edward Everett propose to erect a statue to his memory, the material of which has not been determined on; therefore,

Statue of marble or of bronze, place designated.

Resolved, That if said statue be made of marble, full consent and permission is hereby given to place the same in some suitable portion of the state house; and if it be made of bronze, full consent and permission is hereby given to set up the same in some suitable place in the state house grounds.

Governor and council to approve.

In either case the location shall be subject to the approval of the governor and council, and without expense to the Commonwealth.

Approved May 13, 1865.

Chap. 65.

RESOLVE IN FAVOR OF HARRIET J. COLBY.

May, with children, heirs of Samuel P. Allen, deceased, execute deeds of certain estate in Cambridge.

Resolved, That Harriet J. Colby, wife of Lewis Colby, formerly the widow of Samuel P. Allen, late of Cambridge, in the county of Middlesex, deceased, and Harriet A. Allen, Samuel P. Allen, James M. Allen and Lowell D. Allen, all of said Cambridge, the children of said Samuel P. Allen and Harriet J. Allen, the latter, so far as they may be minors, acting by their respective guardians, be and the same are hereby authorized and empowered to sell, either at public auction or private sale, and to execute all necessary deed or deeds, and to convey in fee simple to the purchaser or purchasers thereof, free and discharged from all claims, trusts and remainders arising under or by virtue of the will of said Samuel P. Allen, deceased, dated the twenty-fourth day of January, in the year one thousand eight hundred and fifty, the real estate described in article twenty-fifth of the will of said Samuel P. Allen, and situated in that part of Cambridge called Cambridgeport, with all the privileges and appurtenances belonging thereto, and all the right, title and interest of which said Allen died seized and possessed therein:

Provisos: supreme judicial court to authorize and appoint trustees.

provided, that such sale shall be made under and according to leave of the supreme judicial court for the county of Middlesex, and the proceeds of such sale placed in the hands of a trustee or trustees appointed by the court aforesaid to be safely invested, held, administered and disposed of according to law and the will of said Samuel P. Allen; and said court is hereby fully empowered to give effect to the provisions of this resolve. Said trustee or trustees shall before entering upon his or their duties give such bond, for the faithful performance of his or their duties, to the judge of probate for the county of Middlesex, with sufficient sureties, to be approved by him, as said supreme judicial court may order: *provided, also*, that said supreme judicial court shall appoint

Trustees to give bonds.

Supreme judicial court to appoint

some suitable person to appear and act as the next friend of such minors as may be interested in the sale of said real estate, the cost of whose appearance and services, including the compensation of counsel, to be determined by the court, shall be paid as the court may order; and it shall be the duty of such person so appointed to report to the court upon the propriety and expediency of such sale, as it affects the interests of said minors, and the court may thereupon in its discretion allow or dismiss the petition.

representative of
minors.

Report to court
required.

Approved May 13, 1865.

RESOLVE CONCERNING THE PURCHASE OF A VESSEL FOR THE NAUTICAL
BRANCH OF THE STATE REFORM SCHOOL.

Resolved, That for the purposes set forth in chapter sixty-five of the resolves of the year eighteen hundred and sixty-four, and in addition to the amount appropriated in said chapter, there be allowed ten thousand dollars, for the purchase of an additional vessel for the Nautical Branch of the State Reform School, and ten thousand dollars for the fitting up and equipment of said ship, which sums shall be allowed and paid to said trustees for those purposes.

Chap. 66.

Allowance of
\$20,000 for vessel
and fitting.

Trustees may
draw money.

Approved May 15, 1865.

RESOLVE IN RELATION TO COUNTY TAXES.

Resolved, That the county taxes granted to the several counties the present year shall be assessed upon the polls and estates, as fixed by the one hundred and eighty-first chapter of the acts of the year one thousand eight hundred and sixty-five, entitled "An Act to establish the Polls and Estates of the several Cities and Towns of the Commonwealth."

Chap. 67.

Taxes of 1865 to
be assessed under
ch. 181, '65.

Approved May 15, 1865.

RESOLVE FOR THE CORRECTION OF ERRORS IN THE REIMBURSEMENT
OF BOUNTIES.

Resolved, That the adjutant-general be and he is hereby requested to make a careful examination of the rolls in his office, and report to the treasurer and receiver-general the instances in which it appears that the Commonwealth, under chapter two hundred and eighteen of the acts of the year eighteen hundred and sixty-three, has paid either to the same or different towns more than one bounty for the same volunteer, enlisting under the call of July or August, in the year eighteen hundred and sixty-two; also to report, if the fact can be ascertained, upon whose quota such person actually served and was counted. Upon receiving this report, the treasurer and receiver-general is requested to give notice to the town to which any such payment seems to have been

Chap. 68.

Adjutant-general
to report to treas-
urer double or
triple bounties
paid under calls
of 1862.

Treasurer to noti-
fy towns, stating
names of persons.

Payments to have been duly made, or money due town retain'd and reported to legislature.

Fraud to be reported to district attorney.

made, or if made to different towns, said notice shall be given to each town, stating in said notice the name of the volunteer for whom bounty seems to have been more than once paid. Unless it shall be made satisfactorily to appear that the bounties in question have been properly paid, the treasurer and receiver-general is hereby authorized and directed to retain the amount so erroneously paid to any town from any money now or hereafter in his hands due from the Commonwealth to such town, and shall report to the general court, on or before the fifteenth day of January, in the year eighteen hundred and sixty-six, all cases in which he may have retained any such money, together with the facts relating thereto; and if, upon investigating any of the aforesaid cases, it shall appear that any party has been guilty of fraud in procuring any such payment to be made, it shall be the duty of the treasurer and receiver-general to report the case to the district-attorney for the district in which such offence may be prosecuted.

Approved May 16, 1865.

Chap. 69.

Governor and council may sell certain guns.

RESOLVE CONCERNING THE SALE OF ARMSTRONG AND BLAKELY GUNS.

Resolved, That the governor of the Commonwealth, with the advice and consent of the council, is hereby authorized to sell such Armstrong and Blakely guns as have been purchased for the use of the Commonwealth, but have not been shipped to this country. The net proceeds of the sale of said guns shall be paid into the treasury of the Commonwealth.

Approved May 16, 1865.

Chap. 70.

Appropriation of \$100,000 authorized.

RESOLVES IN RELATION TO COAST DEFENCES AT PROVINCETOWN.

Resolved, That there be appropriated to be paid out of the coast defence fund a sum not exceeding one hundred thousand dollars for the preservation of the harbor of Provincetown, and the treasurer of the Commonwealth is hereby authorized under the provisions of section three of chapter one hundred and eighteen of the acts of the year eighteen hundred and sixty-three, to issue such scrip as may be necessary for that purpose.

Treasurer may issue scrip.

Commissioners appointed, who may expend money.

Resolved, That Thomas D. Eliot, of New Bedford, Alpheus Hardy, of Boston, and Eben S. Smith, of Provincetown, be a board of commissioners who shall, after consultation with the proper officers and departments of the government of the United States, and upon such plans as meet with their approval, have full power to expend such portion of the above appropriation as may be needed effectually to protect said harbor from the destruction which threatens it.

Preservation of harbor: congressmen to aid build.

Resolved, That the preservation and protection of Provincetown harbor by fortifications are objects of the highest

national concern; that in order to render effective any system of defences at that point, it is vitally important that it be connected with the centres of population and with the material of war by a railroad; and that our senators in the congress of the United States be instructed and the representatives be requested to use their best endeavors for the immediate construction of a military road from Orleans to Provincetown.

Resolved, That the appropriation now made for the preservation of the harbor of Provincetown is in anticipation of a duty which clearly belongs to the general government, and is now assumed by the Commonwealth of Massachusetts in the present exigency, relying upon ultimate reimbursement therefor.

Resolved, That his excellency the governor be and he is hereby requested to transmit to each of the senators and representatives of this Commonwealth a copy of the foregoing resolves and of the accompanying report.

Approved May 16, 1865.

RESOLVE IN FAVOR OF THE WATCHMEN OF THE STATE HOUSE, THE MESSENGER AND ASSISTANT-MESSENGER TO THE GOVERNOR AND COUNCIL, AND THE MESSENGER OF THE SECRETARY OF THE COMMONWEALTH.

Chap. 71.

Resolved, That in addition to the sum now provided by law, there be allowed and paid to each of the watchmen of the state house, to the messenger to the governor and council, and to the messenger of the secretary of the Commonwealth, the sum of two hundred dollars, and to the assistant-messenger to the governor and council the sum of one hundred dollars, in full compensation for services as watchmen, messengers and assistant-messenger, for the present year; and neither of said parties shall receive from the treasury any compensation for other services.

Approved May 16, 1865.

RESOLVE CONCERNING THE EASTERN AVENUE CORPORATION.

Chap. 72.

Whereas, The charter for the Eastern Avenue Corporation, now held by the city of Boston, contemplates the building of an avenue across flats belonging to the Commonwealth:

Resolved, That the board of commissioners on harbors and flats be authorized to confer with the city government of Boston or any committee thereof, concerning the building of said avenue, with power to give advice and such direction in the construction of such avenue as shall be consistent with the best interests of the Commonwealth and of the harbor of Boston.

Approved May 16, 1865.

ing military road
by United States.

Duty assumed de-
clared to pertain
to United States.

Resolves to be
sent congress-
men.

Additional com-
pensation for cur-
rent year.

Preamble: cross-
ing of certain flats

Commissioners on
harbors and flats
to confer with
city of Boston,
and to have pow-
ers, in construc-
tion of avenue.

Chap. 73. RESOLVE IN FAVOR OF THE CLERKS AND EMPLOYEES OF THE SEVERAL DEPARTMENTS, AND OTHER OFFICERS.

Allowance of 20 per cent. additional pay for current year.

Resolved, That there be allowed and paid to the agent and the secretary of the board of state charities, the clerks of the senate and house of representatives, the sergeant-at-arms of the two branches, the agent of the board of education, and to each of the present clerks and employees of the several departments at the state house, except to those whose salaries have been already increased during the year, at the rate of twenty per cent. in addition to the compensation now allowed them; the same to be in full for their services for the current year.

Construction of resolve defined.

This increase shall be so applied as to accrue to the salaries and compensation paid and to be paid for the year eighteen hundred and sixty-five to officers and employees appointed under chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-one, in such proportion as shall give to the heads of the several military bureaus and agencies an amount not exceeding that paid for the current year to the adjutant-general; and to the first clerks of such military bureaus and agencies, an amount not exceeding that paid for the current year to the first clerk of the adjutant-general; and to all other clerks and employees, an amount not exceeding that paid for the current year to the clerks, other than the first and second clerks, in the office of the secretary of the Commonwealth.

Approved May 16, 1865.

Chap. 74. RESOLVE PROVIDING FOR THE COMPENSATION OF THE ASSISTANT-CLERK OF THE HOUSE OF REPRESENTATIVES.

Allowance of \$500 for services.

Resolved, That there be allowed and paid out of the treasury to William A. Crafts, assistant-clerk of the house of representatives, the sum of five hundred dollars, as compensation for his services during the present session of the general court.

Approved May 16, 1865.

Chap. 75. RESOLVE RELATING TO THE PAY OF THE OFFICERS OF THE LEGISLATURE.

Doorkeepers and messengers.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of four dollars per day, during the present session, to the doorkeepers and messengers of the senate and house of representatives; and to the chaplains of the senate and house of representatives the sum of three hundred dollars each; and to the pages of the two branches of the legislature the sum of three dollars per day each, during the present session.

Approved May 17, 1865.

Chap. 76. RESOLVES IN RELATION TO THE STATE TREASURY.

Resolves of 1865, ch. 27, extended to June, '66.

Resolved, That the provisions of the resolve in relation to the treasury, approved on the fourth day of April in the year

eighteen hundred and sixty-five, be extended to the first day of June in the year eighteen hundred and sixty-six.

Resolved, That for and during one year next succeeding the passage of this resolve, it shall be lawful for any county, city, town, corporation or person to pay or receive interest and to contract to pay or receive interest, for any period of time, not exceeding one year, and at a rate not exceeding seven and three-tenths per centum per annum.

Rate of interest between persons or corporations for one year may be 7 3-10 per cent.

Approved May 17, 1865.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed Article of Amendment to the Constitution of the Commonwealth having been officially certified and deposited in this department, under requirement of an Act of the legislature of 1865, relating to the publication of such proposed amendments, the same is herewith published, in compliance with said Act, for the public information required by the Constitution :

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION, TO SECURE THE ELECTIVE FRANCHISE TO THE VOTERS OF THIS COMMONWEALTH ABSENT THEREFROM IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES.

Resolved, By both houses, the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, that it is expedient to alter the constitution of this Commonwealth, by adopting the subjoined article of amendment ; and that the same, as thus agreed to, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen ; and that the same be published, to the end that if agreed to by the general court next to be chosen, in the manner provided in the constitution, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of this Commonwealth :

Expediency declared.

Entry and reference.

Publishment.

ARTICLE OF AMENDMENT.

The general court shall have power to provide by law the manner in which any qualified voter of this Commonwealth who is absent in the time of war in the military or naval service of the United States, may vote in the choice of any officer that may be voted for at any election.

Legislature may prescribe mode of suffrage.

HOUSE OF REPRESENTATIVES, May 16, 1865.

Passed: ALEX. H. BULLOCK, *Speaker*.

IN SENATE, May 16, 1865.

Passed: J. E. FIELD, *President*.

RESOLVES

Expressing the Thanks of Massachusetts to Lieutenant-General Grant and the Armies and Navy of the United States.

Resolved, That the thanks of Massachusetts be presented to Lieutenant-General Ulysses S. Grant, for the judgment, fortitude, courage and ability which have distinguished his military career in the service of his country, and particularly for the combination and skill manifested in the recent operations of the Army of the Potomac, resulting in the capture of the enemy's fortifications around Petersburg, the evacuation of Richmond, and the surrender of the Army of Northern Virginia.

Resolved, That the thanks of Massachusetts be presented to the Army of the Potomac, for the patient endurance, invincible determination and indomitable courage which have illustrated all its efforts from the commencement of the rebellion to the present hour; for the renown which it has shed upon the national arms and national honor, and for the imperishable glory it has diffused over the land by the final blow which it has given to the cause of the rebellion and to the army which supported it.

Resolved, That the thanks of Massachusetts be presented to the army and navy wherever employed, who have, with patriotic devotion to the constitution and laws, sustained the cause of civil freedom and republican institutions throughout the present struggle, and whose fidelity, constancy and courage, remaining unshaken to the end, and now crowned with triumphant success, will ever be commemorated by a grateful country and receive the applause of the human race.

Resolved, That the people of Massachusetts hail with gratification and delight the prospect of returning peace, and rely with confidence upon the wisdom and prudence of the general government to inaugurate such measures as will unite the whole territory of the republic under a constitution providing for the equality of the states and for universal freedom.

Resolved, That his excellency the governor be requested to transmit a copy of these resolutions to the secretary of war, with a desire that a copy of the same be sent to Lieutenant-General Grant, and to each army and corps commander in the service of the United States, that the same may be read at the head of their respective commands. [*Passed unanimously, by the Senate on the 10th and by the House of Representatives, in concurrence, on the 11th day of April, 1865.*]

RESOLVES

On the Death of Abraham Lincoln, President of the United States.


Resolved, That the legislature of Massachusetts receives the intelligence of the death of Abraham Lincoln with sentiments of the deepest sorrow and the most profound regret.

Resolved, That when we contemplate the events of the last four years of the history of this country, we are struck with the great sagacity, comprehensive ability, fixed determination and honest purpose, which have marked all his measures, and which through the blessings of Divine Providence, have enabled us to overthrow this vast rebellion, planned and organized for the substantial destruction of civil liberty.

Resolved, That we deplore the death of the president of the United States, whose private virtues have endeared him to his friends, whose public services have contributed so much to the preservation of our common country, whose courage and constancy in every stage of the struggle through which we are passing have known no abatement in misfortune, and whose fidelity to duty has been crowned with triumphant success.

Resolved, That we offer our sincere condolence to the widow and family of the president in this hour of their affliction and suffering.

Resolved, That his excellency the governor be requested to cause a copy of these resolutions to be forwarded to Mrs. Mary Lincoln, as a token of respect and regard entertained for her by the legislature of Massachusetts. [*Passed unanimously, in concurrence, by the Senate and House of Representatives, April 17, 1865.*]

 The General Court of 1865, during its annual session, passed two hundred and eighty-five Acts and seventy-six Resolves, which received the approval of the Governor.

The Acts may be classified as follows: General Statutes, or Acts of a public character, ONE HUNDRED AND THIRTY-SEVEN; Special Acts, relating to private property, persons and corporate bodies, ONE HUNDRED AND FORTY-EIGHT.

In addition thereto, enacted Bills entitled respectively "An Act in relation to Jurors," and "An Act increasing the Penalties for second convictions of certain offences," being laid before the Governor, for revision and approval, were returned by him to the Senate,—in which body they originated,—with his objections thereto. Being put upon their final passage in the manner provided by the Constitution, notwithstanding the said objections, two-thirds of the Senators present and voting thereon having failed to "agree to pass the same," they were declared lost, and thereby without force or effect.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY JOHN A. ANDREW.

At twelve o'clock on Friday, the sixth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate and
of the House of Representatives :*

By the blessing of Almighty God, the People of Massachusetts witness to-day the inauguration of a new political year under circumstances in which the victories of the past, blended with bright and well-grounded hope for the future, assure the early return of National Peace, the firm establishment of Liberty, and auspicate the lasting glory of the Republic.

Let us mark the beginning of our official service by contemplating our field of obligation, our sphere of duty, and the means and opportunities of the Commonwealth.

To estimate correctly its financial condition, a careful survey of the Annual Reports of the Treasurer and of the Auditor will be needed. But for the purposes of this occasion I ask your observation of a summary of their results.

The *Liabilities* and *Resources* of the Commonwealth are these :

*Liabilities.**

Scrip loaned Railroad Corporations, . . .	\$6,574,435	56
Scrip issued in '61, '62, '63 and '64, on account of war expenses, . . .	6,188,500	00
Scrip issued for all other purposes, . . .	1,610,000	00
Unfunded debt, including monthly pay due volunteers,	8,521,037	00
	<hr/>	\$22,893,972 56

*Resources.**

Productive property, consisting of sinking funds, &c., (and exclusive of School and other Trust Funds, \$2,131,326,) . . .	\$14,669,293	97
Unproductive property,	3,187,917	33
	<hr/>	\$17,857,211 30

The ordinary *Revenue*, and ordinary *Disbursements* of the Commonwealth during the year 1864, for other purposes than those provided for by loan, to which allusion will be made elsewhere, were as follows :

Revenue.†

From all sources, including the corporation tax, not yet distributed, and exclusive of loans,	\$5,840,317	61
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Disbursements.†

For other purposes than those provided for by loans, . . .	5,102,257	95
Leaving cash on hand,	<hr/>	\$738,059 66

BOUNTY FUND—TEMPORARY LOANS—ISSUE OF NEW BONDS.

The General Court, by chap. 313 of the Acts of 1864, created a "Bounty Fund," and authorized the issue of ten million dollars of scrip, at interest not exceeding five per cent. per annum, payable in gold, to "be sold and disposed of at public auction, or in such other mode, and at such times and in such pieces and amounts, as the Governor and Council shall deem for the best interest of the Commonwealth." By chap. 91, Acts of 1863, a Bounty Fund had been authorized, of \$1,500,000. Of this, \$200,000 in scrip was sold during that year, when that fund became merged in the ten million fund of 1864. The few weeks next following the adjournment of the Legislature of 1864, on

* For details of Liabilities and Resources, see Appendix, [A.]

† For details of Revenue and Disbursements during the year, see Appendix, [B.]

the last day of whose session, (May 14,) the ten million Act was passed, witnessed extraordinary fluctuations and a surprising appreciation of gold, until on the first day of July it rose to the apparent market value of 185 per cent. premium. In fact, the history of the year was a history of unexampled fluctuation, disturbing all monetary transactions. After the scrip was ready for issue, the prevailing premiums were too dear to leave it wise, in our judgment, to involve the State without necessity, until legislative reëxamination, in the purchase of gold for the payment of interest on more bonds. And the high premiums were themselves too unsteady to render them a safe basis for the calculations of people having money to lend. The result was, that in selling new bonds we should have incurred the risk of paying a rate of interest, which, when reckoned in currency on the probable cost of gold, seemed excessive, and disproportionate to the price for which the bonds could be sold. While we could borrow money at six per cent. interest, payable in currency, gold-bearing five per cent. bonds would not bring an excess above par sufficient to reduce the apparent cost of the gold needed for their interest to below twelve or fourteen per cent. Accordingly the Treasurer invited loans at call, under the provisions of sect. 7, of chapter 254 of the Acts of 1863; and the receipts from this source, with loans from the banks, under sect. 83, chapter 57 of the General Statutes, rendered it easy to suspend the sale of gold-bearing scrip.

This loan from the banks at five per cent. should be returned at the earliest practicable moment. The theory of the law under which it is made is, that it is designed to meet a temporary exigency. It is not equitable to require the banks to make a permanent loan of money to the State at five per cent., while the State is paying six per cent. to others.

The loans at call have answered two good purposes. They absorb the surplus capital of the community on the best security, and at the same time relieve demands upon the Treasury. The Act authorizing these call-loans limited the interest to five per cent.; but early last summer it was found that deposits of the call-loan were becoming small, and previous deposits were rapidly withdrawn, money being fairly worth in the market more than five per cent. on solid securities. The Treasurer, therefore, by the advice of the Governor and Council—who deemed it their duty to assume the responsibility—advertised for loans at six per cent. The alternative was, to pay that rate in currency, or to issue five

per cent. gold-bearing scrip, involving a cost of from twelve to fourteen per cent. interest in currency. The aggregate amount of interest thus paid by this addition of one per cent. interest, is about \$15,000. I recommend that the Legislature should legalize this payment, and should authorize a similar rate hereafter.

I have the honor also to recommend that authority be given to issue bonds for the funding of the residue of our floating debt, expressed either in dollars or in pounds sterling, and payable either in gold or in the lawful tender of the United States, at the discretion of the Executive Department. Sterling bonds have an advantage in the markets of Europe, over those of the other denominations, and therefore invite European purchasers. Bonds bearing interest payable in currency, will possess the merit, in appealing to domestic lenders, of offering a remuneration in money of the same kind in which their loans are made. And while gold, in its present demonetized condition, continues subject to all the fluctuations of an article of both commercial and political speculation, it may be better for the Commonwealth, not having the control of the currency, to conform to the familiar transactions of the home market, when it borrows money at home.

All the scrip hitherto issued by Massachusetts she is bound to pay, and she will pay—both interest and principal—in gold, to all holders, with the cheerfulness which becomes her spotless honor, and the promptness of an industrious, economical and thrifty Commonwealth.

There is nothing in the present or probable indebtedness of the Commonwealth to excite apprehension. In the Inaugural Address of January, 1861, I found the public debt to be, \$8,103,039. To this has been added during the war, \$14,372,935, much the larger part of which is held by our own citizens; while, to say nothing of any other increase of wealth, of which the Report of the Valuation Committee will exhibit the evidence, *the increased deposits in our savings institutions alone, for 1864 over 1860, are more than \$3,000,000 in excess of our war debt.* So that the very depositors of savings, out of this increased aggregate of their modest earnings saved and deposited, could lend money enough to pay the whole war debt of the Commonwealth, and have left on deposit as much as they had when the war began, and more than three millions of dollars besides.

BOUNTIES.

I shall transmit, for the information of the Legislature, the report of the Paymasters appointed under the Act of 1863, chap. 254, to disburse the State bounties to Volunteers. By this report it will appear that, up to the 30th of November, 1864, the disbursements by the Paymasters amounted to \$8,235,882.53, and were paid to 28,775 volunteers enlisted in the Army, and 745 enlisted in the Navy. Previous to the appointment of Paymasters, the State Treasurer had disbursed the further sum of \$18,025 to 57 volunteers, under the same statute; and under the system of recruiting in rebel States, adopted by General Order No. 27, bounties have been paid to 1,295 men, amounting to the additional sum of \$417,700. There is an unpaid balance, upon the rolls in the hands of the Paymasters, of \$217,824.60. Of these unpaid bounties, some have been forfeited by desertion, or by rejection after muster for disability existing prior to enlistment, some probably belong to prisoners, and others to men who intended to leave their money in the State Treasury on interest, and were not aware of the necessity of making allotments in proper form.

Beside the above, there are 3,560 volunteers for one year, who have elected to take \$20 per month, and are not entitled to any advance bounty.

The number of volunteers who have been paid directly, at the office of the Treasurer of the Commonwealth, the monthly bounty of \$20, is 13,043; and the bounties so paid amount to \$996,360.03.

There remain in the State Treasury to the credit of Massachusetts soldiers \$436,130.37, of which sum about \$30,000 is United States' pay allotted.

I cannot forbear, in the light of experience, to repeat the opinion that considerable bounties paid in advance, are not needful, nor even desirable for the procurement of real soldiers and honest service. We want not merely recruits, but men for the war; not mercenaries, but patriotic soldiers; men to whom the service means duty, and honor to themselves, happiness and welfare for their children hereafter to the latest generation. I am deeply impressed with the conviction declared in a former address, that in addition to a moderate bounty to enable the soldier to leave something behind to stock the household supplies, and to secure his family from petty wants and cares at such a time, the best interest of the Government and of Society dictates the policy of equitable compensation, not the payment of more

considerable bounties. The bounty of the Government ought to be reserved for liberal pensions, promptly paid, to the disabled soldier, to the widows and children of the dead who fell in the service of their country ; for relief to families during the progress of the war, for whose exigencies the regular compensation of the soldier is inadequate. The picture drawn by Mr. Hamilton, (Federalist, No. 22,) of the experience of the country in the War of Independence, occasioned by competition between communities, aggravated by bounties, has been again realized throughout the land. Few men of this generation remembered the wisdom learned by our fathers. The words of their testimonies had been unheeded or forgotten. But before our present trials are over, the inexorable logic of reason, and of history, will have taught the people a lesson in this regard which they cannot fail to comprehend and remember. I do not know that this repetition of an old error, under the circumstances of the country, could well have been avoided ; it was one of the natural evil consequences of the absence of military education, and of the absence of preparation for the duties of public defence by the strong arms of the people.

The way to prevent the recurrence of these and many other evils is to organize and maintain in high efficiency the *Militia of the States*. The decay of the militia, and the neglect into which military education in the Free States had fallen, tempted the leading spirits of the rebellion to their tremendous experiment of crime. And it is due to the scattering fragments of *State Militia* which remained in the North, that the rebellion did not usurp the powers of the Union and destroy it, before the Federal Government had opportunity to collect its means and set them in motion.

STATE BANKS—INSTITUTIONS FOR SAVINGS.

The number of Savings Institutions in operation in the Commonwealth is 98. Two more, incorporated by the Legislature of 1864, have been organized. Their progress and business derive especial interest from their being depositaries of the earnings of labor. They illustrate the distribution of wealth in our community, since no sum larger than \$1,000 is allowed by statute to be held for any one depositor, other than a religious or charitable corporation.

The whole number of depositors in 97 Savings Banks
(the Mercantile Savings Institution of Boston not
being included in the " Abstracts,") is . . .

291,616

The number of depositors in the year 1863 (95 banks,) was	272,219
Showing an increase in 1864 of	19,397
The amount of deposits (in 97 Savings Banks,) is . . .	\$62,557,604 30
Against an amount in the year 1863 (in 95 banks,) of . .	56,883,828 55
Exhibiting an increase in 1864 of	\$5,673,775 75

a greater increase than in any one year before; except the year 1863, when it was \$6,480,154, and exhibiting an increase of deposits during the last four years of \$17,503,369.30.

The Savings deposit alone is larger than the *banking capital and Savings deposit* at the time the Bank Commission was established in 1851, when the capital of 130 banks was \$38,265,000, and the deposit in 45 Savings Institutions was \$15,554,088, their aggregate then being \$53,819,088.

The number of Banks in Massachusetts, organized under its laws, was, on January 1, 1864, 181, having a capital of \$66,841,200. An increase of capital was granted to one bank, of \$150,000, making in all \$66,991,200. Of these, 52, with a capital of \$25,801,700, have become National Banking Associations during the year, leaving 129, with a capital of \$41,189,500, as State Banks on January 1, 1865. Of these, 47, having a capital of \$14,915,000, have signified their intention to become National, leaving 82 which, as yet, have taken no steps towards changing, with an aggregate capital of \$26,274,500. Of the 52 actually changed, 4 were established under our General Banking Act, their capital amounting to \$2,500,000, the other 48 being chartered banks, with a capital of \$23,301,700; their total capital being \$25,801,700. Of the 47 proposing to become National, one is a bank established under the General Act, having a capital of \$200,000, leaving among the 82 that remain, *one* only (the Revere,) with a capital of \$1,000,000, still acting under our General Banking Act. The number of new National Banks in the State, so far as the Commissioners have information, is twenty-five, with a capital of about \$4,000,000.

In my annual address of 1863, (next following that Report of the Secretary of the Treasury in which he recommended the creation of a National System of banking,) I did not hesitate to place the Executive Department of Massachusetts in prompt support of the main design of the Federal Government to nationalize the paper currency used by the people, and to secure to the nation itself, in its time of need,

the powerful material support of the vast aggregate of capital represented by monetary institutions. Notwithstanding the existence of a system of banking in Massachusetts, which justly commanded the public confidence, and notwithstanding the splendid revenue derived from it to our Treasury, (which I originally suggested Massachusetts would have to abandon,) the Legislature, in that spirit of devoted and larger-minded patriotism which has always characterized its National policy, provided at once express legislation to enable any of our existing banks to re-organize as banking associations under the Act of Congress. The statistics I have just read, exhibit the contribution we have made toward inaugurating the Federal system. I find by the report of the Comptroller of the Currency, (under date of November 25, 1864,) that the aggregate capital stock paid in, of all the National Banking Associations then organized, was \$108,964,597.28, and that of this sum those of Massachusetts had \$25,909,040.00, so that the paid-in capital of the National Banking Associations organized in Massachusetts, is nearly one-quarter part of the aggregate.

The constitutional right of the several States to create banks of issue, was long since authoritatively affirmed by the Supreme Court of the Union.* I do not understand that the constitutional right is now questioned. But should Congress deem it wise to impose taxes largely discriminating against the State banks, and in favor of the National associations, the right to create such banks may cease to be exercised. But Congress has not yet deemed such emphatic discrimination expedient. Meanwhile, I am bound to suggest to the General Court the inquiry, whether it becomes the Commonwealth, by its own legislation, practically to discriminate against its own banks, and precipitate them all into National associations. The National system is confessedly incomplete.† It is new and on trial. If there is any

* *Briscoe vs. The Bank of Kentucky*.—11 *Peters*, 257.

Darrington *vs. The Bank of Alabama*.—13 *Howard*, 12.

† "Some important amendments are required to the Act, in order that it should be fully accommodated to the wants and business of the country.

"The provisions in regard to the lawful money reserve and the distribution of the assets of insolvent banks require modification.

"I am still of the opinion that the rates of interest to be charged by the national banks should be fixed by Congress, and not by the States.

"There are too many points at which the banks may redeem their notes. All, with the exception of those in Philadelphia and Boston, should redeem in New York. The banks ought to be compelled by law to retain a part, if not all the coin received by them, for interest on their gold-bearing bonds, in order that they may be prepared to lend their influence in favor of a return to specie payments; and some provisions should be introduced by

burden in the experiment, Massachusetts has taken her share in it. She began at the beginning with alacrity, and she bears it with cheerfulness. Having made more than her full contribution toward initiating this National measure, might it not be wiser so to adapt our own legislation, that the remaining State institutions will be left subject to the operation of the laws of Congress, and of political economy, by which they will be affected equally with the banks and capitalists of the other Commonwealths? To this end, I recommend a repeal of the special tax on banking capital, and that the rate of interest payable on temporary loans required of them to the Commonwealth, be raised to six per cent. at the discretion of the Executive Department. Our banks will then remain under their charters, or re-organize under the Act of Congress, according as their own intelligent judgment of the interests of their stockholders, in view of present and future legislation, shall lead them to determine. The Comptroller of the Currency thinks the time has passed of any uncertainty in regard to the success of the National Banking System or the popular verdict upon it. He thinks the time has arrived when all the State institutions should be compelled by taxation to retire their circulation. If Congress shall thus determine, those of our banks desiring to issue paper money, alike with those of other States, will be under the necessity of changing their organization. Until Congress shall thus determine, ought they not to remain as free as are the banks of other States?

HARBORS AND FLATS.

To the Commissioners on Harbors and Flats, a temporary body created by a Resolve of the General Court in 1862, was assigned the duty of making a report on the Flats in Boston Harbor, which duty was ably performed. From that report, and from those of the United States Commissioners

which, when specie payments are resumed, excessive importation of goods may be checked, and dangerous exportations of coin may be prevented.

"It is of the greatest importance that the national currency system should be independent of politics and freed from political influences. To effect this, and to facilitate the business of the banks with the Comptroller, I am clearly of the opinion that the bureau should be made an independent department, and removed from Washington to Philadelphia or New York.

"I do not, however, recommend that any amendments be made by the present Congress. The Act will do well enough as it is for another year. When the next Congress assembles, the defects in it will be better understood, by the practical working of the system, than they can be at the present time. The Act can then be taken up and, with the light which the experience of another year has thrown upon it, judiciously amended."—*Report of Comptroller of Currency, November 25, 1864.*

on Boston Harbor, made to the city of Boston and to the State Commissioners, the following conclusions may be drawn :

1. That by building a sea-wall from Forepoint Channel to Castle Island, so as to inclose the South Boston Flats, in a line laid down by the United States' Commissioners, and filling up the flats inclosed, a great addition will be made to the property of the Commonwealth, which is much the largest owner of the flats, as well as to that of the owners of the flats adjoining the shore.

2. That this great work will not in the least degree injure the harbor, provided suitable compensation be made for the diminution of its tidal reservoirs, by deepening flats in other places, and by other measures for a similar object.

3. The work proposed, with compensation as above indicated, is likely, indeed, to improve the harbor so much, by narrowing the spread of the water and deepening the main channel, that it ought to be undertaken for that single object, even if it brought no pecuniary benefit to the State.

The time seems to have arrived when the State may safely decide to make the proposed improvement, sure, if properly done, to advance the commercial prosperity of the capital by a new frontage of deep water, with docks to accommodate navigation, and to promote the direct pecuniary interests of the Commonwealth by *giving value to about twenty-five million feet of flats, which are now worthless.*

In my opinion, the erection of the sea-wall, and the filling up of the flats belonging to the Commonwealth, ought to be executed by the State, and not by private individuals or corporations. It ought to be done by a power whose first object should be to protect and improve the harbor, and next, but in entire subserviency to the first, to promote the pecuniary interests of the Commonwealth. No individual or corporation whose object is to make money, ought to be entrusted with such an operation. It should be under the care of a permanent Board of State Commissioners,* whose

* "It has always been the wish of the Commission, which it has urged in the form of a recommendation upon every State or City Government by which it has been employed, that the care of the harbors under consideration should be assigned to some suitable and responsible persons, whose duty it should be to 'resist encroachments, to arrest the abuse of privileges, to keep the Government advised of the progress of improvements, and of the adherence of projectors to the plans which have received official approval.' Unless 'there is some controlling, supervisory power, with authority to direct constructions in all the tidal harbors of the State,'—and unless there be some office of record, where all maps and reports relating to these harbors are preserved, from time to time examined, and always

first duty should be to protect the harbor, and benefit the State, with no pecuniary bias to swerve them.

No estimates have yet been made of the cost of the sea-wall, which have any pretensions to accuracy. Sixty dollars for each foot of front has been named. Neither has any definite plan of compensation for the tidal reservoir to be diminished, been yet proposed. Although, therefore, the completion of this work is of urgent necessity, I can only recommend at the present session, that the Legislature authorize obtaining estimates of the damages, and of the expense of building a sea-wall and filling the flats. Under the same authority, the Commissioners should obtain a specific plan of compensation for the tidal reservoir. The United States' Commission* have, it is understood, prepared with the utmost pains such a plan, which will be ready for examination during the present winter.

In executing the plans, the State Commissioners should have authority to purchase or take any flats belonging to individuals, necessary to their work. This would probably be needful only at the ends where the wall crosses the flats of individuals, near the shore. Within the inclosed area there may be claims of individuals to damages for injury to water rights. These the Commissioners should have the power to adjust, either by buying the property, or giving compensation in flats filled up, or leaving the damages to adjudication. They should have authority, also, to lay out streets over the inclosed area.

The General Government is taking measures to protect the islands in the outer harbor, by repairing dilapidated sea-walls and erecting additional ones. Additional appropriations have been called for from Congress, at its present session. But the Board of Commissioners which I have suggested, ought to have power to expend money for the protection of these islands, if the General Government shall neglect it.

understood,—very little of the good they might otherwise do will be accomplished. It is therefore with sincere satisfaction that we have seen the appointment of the State Commission on Harbors and Flats; and it is our earnest hope that this Commission will constitute a permanent body.”
—*Extract from Report of U. S. Harbor Commissioners, viz., Brig. Gen. Totten, Prof. Bache, and Admiral Davis. (See City of Boston, Doc. No. 33, 1864.)*

* Consisting (since the death of General Totten,) of Professor Bache, Superintendent of the Coast Survey, Rear-Admiral Davis, of the Navy, and Brigadier-General Delafield, Chief of the Corps of Engineers, of the Army.

THE DEFENCES OF OUR COAST.

During the past year much has been done for the defence of our sea-coast, in the directions which experience had indicated as practicable; but no new project for adding to its defences has been attempted or devised. The earthworks planned and executed by the Federal Government to protect the harbors of Newburyport, Salem, Marblehead, Gloucester, Plymouth, and Provincetown, have been completed, armed, and garrisoned; while steady progress has been made under the supervision of the United States' engineer officers in charge, on the permanent works at Boston and New Bedford. Some very heavy ordnance has been placed in position in the Boston forts, and although the harbor of our capital is by no means so completely protected as we could wish, yet its defences are much in advance of their condition a year ago. It is understood that in some positions additional works are proposed by the United States. The usual cession of jurisdiction will probably be desired in these cases, and Acts granting it will no doubt be promptly passed by the Legislature.

There remain \$645,653.89 to the credit of the appropriation placed at the disposal of the Governor and Council by the Act of March 30th, 1863. The amount spent (\$354,346.11) has been applied to the purchase of heavy ordnance, at home and abroad, and to minor expenses for coast defence, including the cost of connecting Forts Independence and Warren with the city of Boston by electric telegraph, the cost of the plans for harbor obstructions against naval attack, and the cost of a piece of land adjacent to the State arsenal at Cambridge, which was necessary for the storage of the increased supply of arms and munitions of war.

Under the Resolve of May 12, 1864, for reimbursing to cities and towns their expenses incurred in coast defences, claims have been presented by the city of New Bedford for \$19,442.24; by the city of Salem for \$4,646.93, of which \$2,745.83 was spent in the construction of Fort Pickering, and \$1,901.10 in that of Fort Lee; and by the town of Marblehead for \$2,217.65 spent upon Fort Sewall. The claim of the city of Salem has been paid; the others have not yet been presented in form to admit of being audited.

At the end now of an official experience of four years in connection with the defences of our coast, I am more than ever impressed with the deficiency in our means of obtaining a sufficient supply of heavy ordnance, and with the convic-

tion that the most efficient manner in which any State can contribute to our defences, is by helping to remove that deficiency. And in this connection I beg to refer, without repeating them here, to the views I had the honor to express to the last General Court.

Immediately after the passage of the Act of March 30, the opinions of many officers of the Federal Government, experienced in engineering and ordnance, were sought and obtained as to the objects to which our money could be best applied.* The opinions of all these officers, and of the others who were asked for advice, were not expressed officially, but with informal frankness, which extra-official intercourse justified. Hence it would not be proper to cite them here; and I mention the fact that they were obtained, only as evidence of the care with which it was sought to make judicious application of the funds of the State. The various opinions thus received, when combined and compared, reduced themselves to the suggestion of three objects as desirable for the application of these funds: 1. The construction of a floating steam ram, whose central station should be Boston Harbor. 2. The maturing of plans for harbor obstructions, so that at the moment of danger there might not be conflict of council as to the plan to be adopted; and 3. The procuring of approved heavy ordnance for our forts, from whatever sources it should be obtainable, in addition to those employed by the United States. The first object seemed clearly within the especial province of the Navy Department, the officers of which Department moreover expressed an earnest hope that the State would not enter into competition with the General Government by undertaking the construction of such a vessel; so that with the highest respect for those by whom this project was suggested, it was never seriously entertained by us. There was

* Among others who were consulted, were the late eminent Chief of the Corps of Engineers, General Totten, who, after a career of nearly sixty years in our military service, has since died at an age ripe according to the usual measure of human life, but at which his vigor and enthusiasm in his country's cause were those of the prime of youth; and also the present accomplished chief of that corps, General Delafield, then in charge of the defences of the harbor of New York; also the then Chief of the Ordnance Bureau of the War Department, General Ripley, himself a citizen of Massachusetts, whose military record holds so honorable a place in our national history; and the Quartermaster-General of the Army, General Meigs, not less distinguished for his skill as an engineer than for his great administrative talent in his present charge. Among the naval officers consulted were Admiral Dahlgren and Captain Wise, the former eminent for his inventions and improvements in ordnance, then Chief of the Naval Ordnance Bureau, now commander of the South Atlantic Blockading Squadron, and the latter his successor in charge of that Bureau.

no conflict of opinion concerning the second object, as harbor obstructions to delay an attacking fleet within range of the forts, had always formed an integral part of the plan of coast defences, from the days when this system of defences for the coast of the United States was first devised, and had been only rendered more necessary by the introduction of steam and iron-armature in the navies of all maritime powers. As to the third object, it was clear that that was not only of paramount importance, but an essential part of both the others, as neither rams nor harbor obstructions would avail, without guns to protect the one and arm the other. But how this third object should be effected was not so clear.

The Ordnance Bureau of the War Department expressed its readiness and desire to absorb the whole product of all the foundries in the country capable of casting heavy guns; and declared that any effort of the State to procure guns from these foundries could only increase the cost, by competition, without adding to the number produced. In view of that fact, three courses were proposed as practical for the expenditure of our money:—first, in constructing a new gun foundry; second, in rifling and reinforcing with wrought iron or steel rings and jackets, a number of the old 32-pounders and 42-pounders which the United States has on hand; and third, in purchasing heavy ordnance in foreign countries and importing it here.

The erection of a gun foundry by the State, while unavoidable in other respects, could not be expected to yield any result for the space of at least two years. The reinforcing the old 32 and 42-pounders, though undoubtedly a valuable expedient in an emergency, would, at best, have given us imperfect guns, not certainly capable of seriously damaging an iron-clad fleet.

All the memoranda, official and unofficial, in which these various discussions and suggestions were contained, were by me referred to an informal commission of gentlemen who represented, in an eminent degree, the various business and professional interests of our community. These gentlemen, at my request, made a thorough examination of the subject and embodied their advice to me thereupon in a report which confirmed the opinions I had myself less deliberately formed as to the directions in which we should strive to apply our money; and I at once intrusted to two further informal commissions the charge of carrying this advice into effect. To the gentlemen constituting them I desire to make public acknowledgment of their disinterested and valuable service.

Under the direction of the first, consisting of His Honor the Mayor of Boston, and of Captain William T. Glidden and Professor E. W. Horsford, a plan for harbor obstructions was devised, and working drawings, calculations, specifications and bills of materials, in accordance with this plan, having been completed by the chief engineer on my staff, Brig. Gen. W. R. Lee, are deposited in the State Ordnance Bureau.

The second, consisting of His Honor the Lieutenant-Governor, and John M. Forbes, Esq., and Colonel Harrison Ritchie, has had superintendence of the procuring of heavy ordnance. There have been obtained through the agency of this commission, at home and abroad, 72 guns of large calibre, 2,390 projectiles, and 25,000 pounds of cannon powder. A detailed statement of the purchases made under its direction, with the approval of the Governor and Council, and of all the expenses incurred under this appropriation, has been submitted by the Commission, and will be laid before your committee; but there are reasons which render it inexpedient to give publicity to this report, at the present moment.

There has been spent abroad, for these purchases, including all incidental expenses, £40,865, costing \$263,273.27; and at home, \$69,791.87. By the gain on exchange on funds remitted to England which the Commission thought it inexpedient to use, the cost of the pound sterling was reduced to \$6.44, being much less than could have been anticipated. The only remaining liabilities on account of foreign ordnance will be the freight and shipping charges on certain guns paid for and delivered, which are expected to arrive very shortly.

During the present exaggerated rates of exchange, and with our past experience of the difficulties of obtaining guns abroad, difficulties arising from the deficiency even there of material and machinery, as well as the competition of continental powers, no further purchases abroad are contemplated, and there therefore remains to the credit of the fund under the Act of March 30th, 1863, an unexpended balance of \$645,653.89. Designs for the carriages for these guns have been prepared, with complete specifications, and these should be at once procured. Some smaller matters also remain to be provided for, including the claims of New Bedford and Marblehead for money spent on earth-works. There should also be at the command of the Executive a sum sufficient to enable him, in case of emergency, to carry out the plans for obstructing our chief harbors; but beyond this it is not thought that any further sums could be at

present spent with advantage upon the defences of our coast.

It is clear ; it is beyond the pale of dispute, that what is needed is a great National Foundry, to be built and conducted at national expense.* I had the honor as long ago as 1861, in company with Colonel Amory, then Master of Ordnance of this State, to appear before the appropriate committee of Congress, to urge legislation for the construction of such a foundry. It has been urged on Congress by the present Secretary of War, as a national duty. And I am ashamed to believe that the chief obstacles in the way of such legislation are local jealousies as to the place to build it. If foreign war shall come,—which Heaven avert!—and foreign fleets assail successfully our sea-ports, I envy not the consciousness of those who shall then be aware that but for their petty spirit such national calamity and humiliation might have been averted.

PROVINCETOWN.

I had the honor to call attention, in the Annual Address of 1862, to the great importance of the harbor of Provincetown, and to the importance of the appropriate defence of that port. These views received due consideration by the Department of War. General Totten, at that time the dis-

* Obviously no money, unless for special reason, should be devoted to building new fortifications, however much needed, for we have not heavy guns enough in the country to arm properly the forts already built. We come back to the point that what is most needed for coast defence, is additional means for making heavy guns at home, and for that purpose two objects must be accomplished: first, the building of new gun foundries, and second, the building of additional furnaces in the mining districts, to produce more gun-metal. The second object will accomplish itself, as soon as the first shall be achieved. Once erect the foundries and set them at work, and the building of new furnaces will keep pace as a matter of course with the increased demand for metal. But experience has proved that it is vain to look for the construction by private capitalists of such additional foundries as are needed. Such enterprises are of too great magnitude for private endeavor, without some guarantee by the Government to those who should embark in them, of long-continued orders for Government work sufficient to justify the investment and risk of so much capital, because the Government would be the sole domestic customer. In the present transition period of ordnance, when diametrically opposite theories of the proper construction of forts and guns and ships of war, are maintained with equal persistency by officers of equal distinction and experience, it is impossible for private capitalists to look for such guarantees; and hence, after four years of such strife as the world has rarely seen, during every year of which there have been occasions when foreign wars seemed imminent, there has not been built in the whole country one single additional foundry of any consequence, capable of casting heavy guns. The most that has been done, has been to enlarge somewhat foundries already built and engaged in that business.

tinguished head of the Engineer Bureau, under date of March 8, 1862, replied to the inquiries of the Military Committee of the House of Representatives of the United States, that "Provincetown should always be regarded as of the first importance and merit; while, as regards its fortifications, there is now no point of our coast where defences are not yet undertaken, that ought, in this respect, to precede it;" adding, also, that "the time for commencing permanent defences has fully arrived for this harbor, as an element of our sea-coast defences." The harbor of Provincetown is one where whole navies may ride at safe anchorage; one certain to be sought after as a haven by hostile fleets, whence they would menace our towns, and harass our commerce, as did the British navy during our last war with England.

In the address alluded to I mentioned the great importance of the construction of a railroad to connect this remote and important port speedily and certainly with the capital and central portions of the State; and I endeavored to show how, without such means provided for reinforcing the garrison, any fortifications erected there might prove to be means of danger rather than of defence, by the advantages they would offer to an enemy, should they fall into his hands,—which might easily occur without means of such reinforcement, since vessels of war may approach the shore at Billingsgate Point in twenty-five feet of water, and land a hostile force at Eastham or Wellfleet, within a few hours' easy march of Provincetown.

Under the charter which was granted by a former legislature, the Cape Cod Central Railroad has been commenced, through the towns of Yarmouth, Dennis, Harwich and Brewster, to Orleans, a distance of eighteen miles. The work upon this road is now in rapid progress, and on all the sections along the route a considerable part of it has been completed by the contractor. This very important road will thus be carried by private enterprise, over nearly one-half the distance necessary to connect the harbor and fortifications of Provincetown by rail with the military posts at this city, and to place them within two or three hours of New Bedford and Newport, from which troops and supplies of every sort could be expeditiously and safely forwarded. It is now affirmed that no more can be done at present by private means, and I would respectfully suggest for consideration by the General Court, the adoption of measures by the Commonwealth, as a part of its system of coast defences, to promote the immediate extension of the road to the extremity of the Cape.

TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

I have the honor to lay before the General Court a copy of the Report of the Commissioners upon the Troy and Greenfield Railroad and Hoosac Tunnel, setting forth the proceedings of the Commissioners, the methods and agencies adopted by them, and the expenditures made in the execution of their duties under Chapter 214 of the Acts of 1863, which prescribes to the Executive Department and to the Commissioners their respective duties and powers in relation to this enterprise. It is accompanied by a copy of a Report rendered to the Commissioners by their Chief Engineer, concerning the progress made upon the Tunnel since its construction was undertaken under the immediate auspices of the Commonwealth, by resuming work upon it in October, 1863, and concerning its present condition. The expenditure involved by their operations, up to the close of the account indicated in the Report of the Commissioners on the 15th of November last, was \$486,943.26. The estimated payments for November and December were about \$50,000 per month. And for the year 1865, the estimated expense of prosecuting the work upon the Tunnel will be from \$25,000 to \$35,000 per month, depending upon the price of labor and materials. A considerable proportion of the expense thus far incurred, has been incidental to the business of preparing the buildings, machinery and fixtures important for use in the vigorous and successful prosecution to its ultimate and earliest practicable completion, of the great scheme of piercing the Hoosac Mountain by a railway tunnel. The present method is one which does not encourage those having the work in charge to attempt the exhibition of apparent but unreal progress, or the study of exhibitions for effect. And I am confident that everything which has been done by the Commissioners and their Engineer, has been done in the exercise of their deliberate professional judgment, having in view the single purpose of making the best and surest progress in the long run.

The construction of the road lying east of the mountain, of which the eastern terminus is in Greenfield, is not yet resumed. The questions of title springing from what is called the "Smith mortgage," for the determination of which proceedings were instituted by the Attorney-General of the Commonwealth, have not yet received judicial solution. I am advised that their adjudication may be properly expected during the term of the Supreme Judicial Court now in progress. Should their decision be found in favor of the

Commonwealth, it is confidently believed that the possession under the mortgages made by the Troy and Greenfield Railroad Company to the Commonwealth of Massachusetts, at present clouded by the "Smith mortgage," will then be clear and exclusive. Without additional legislation, or a judicial determination setting aside that mortgage as any possible incumbrance upon the title of the Commonwealth, I have not believed it competent for the Governor and Council to approve the renewal by the Commissioners of operations upon the last named portion of the Tunnel line.

In view of the probability that the resumption of this part of the work will soon become practicable, I deem it proper to invite the General Court to consider a question of possibly doubtful interpretation of the 1st Section of the 214th Chapter of the Acts of 1863, under which all proceedings must now be had. It is in these words :

"The commissioners appointed under the one hundred and fifty-sixth chapter of the acts of eighteen hundred and sixty-two, are hereby authorized, subject to the advice and approval of the governor and council, to construct, complete and equip the Troy and Greenfield Railroad and Hoosac Tunnel; *and to make such alterations in the line of said road as may be deemed necessary*, to render it suitable and proper for part of a through line from Troy to Boston; also such alterations in the location and dimensions of said tunnel as will render it suitable and proper for use, in accordance with the spirit and intent of the two hundred and twenty-sixth chapter of the acts of eighteen hundred and fifty-four."

It has been suggested that the powers and duties of the Governor and Council under this Section, require them to consider all the various questions which concern the general route of the road, from its junction with the Vermont and Massachusetts Railroad to its other terminus, with the details of its location, in the same manner as if they constituted a Board of Directors of a Railway Company, and then to direct the Commissioners accordingly, as if they were the Engineers of the Company. Such, however, is not my own construction. I hold that the authority to construct, complete and equip, to make alterations in the line of the road, and in the location and dimensions of the Tunnel, is directly imparted by that Section to the Commissioners; that "the line of said road" intended and alluded to, was the line as it was understood to have been already established when this Act was passed, and that in the proceedings for the execution of the work, the initiative lies with the Commissioners, and not with the Governor and Council. No authority to construct the road, or to do the other things enumerated, is given to the Governor and Council, nor authority to direct

the Commissioners to do them. But the authority appears to be granted to the Commissioners, limited however by being made in its execution "subject to the advice and approval of the Governor and Council." This construction is inferred to be that intended by the Legislature, from other portions of the text of the same chapter, as for example, (in Section 4,) "*Said Commissioners in altering the location of the line of said road* shall have the same power as railroad corporations have in making locations under existing laws."

I understand the Act to mean that the Commissioners are authorized to proceed to the execution of the enterprise of constructing the Tunnel and the Road, liable however to restraint by the Governor and Council, to whose advice and consent they are subject. So also, I understand that the Commissioners may alter the line of the road, being liable however to restraint by the Governor and Council, if they should not approve a proposed alteration.

Either the Governor and Council, or else the Commissioners, must be charged with the permanent responsibility of taking the initiative in the plan and method of the work. To divide this duty between them, or to leave it in the alternative, would, I fear, consign the enterprise to all the hazards of feebleness, uncertainty and anarchy in the councils of its administration. If the interpretation which I have indicated, is not that intended by the Legislature, I trust that the General Court at its present session will take pains to declare the contrary in explicit terms. The people of the Commonwealth will then perceive the importance in choosing the Governor and Councillors, of making their selection with due reference to the specific and peculiar duties thus imposed upon those officers.

INSTITUTIONS OF PUBLIC CHARITY AND CORRECTION.

I shall forbear allusion in detail, to the Institutions of Public Charity or Correction, under the care of the Commonwealth. They have received the usual visits of inspection during the year by the Governor and Council. The Board of State Charities, organized in the autumn of 1863, pursuant to the legislation of that year, is expected to present, early in the session, an elaborate historical and statistical account and description, which I desire not to anticipate. On former occasions similar to the present, I have had the honor to advocate measures for a more careful and systematic survey of this branch of the civil service. Both observation and reflection conduced to the opinion, that

the workings of these institutions, the principles which control them, their experience and progress, might all be far better understood, their mistakes, if any, more easily perceived and remedied, their successes and advantages more completely appreciated. What apparently remained was to begin to study the whole subject in the light of all our experiments, and persistently to continue both the positive and comparative examination of these institutions, with the intent to learn what are the facts and statistics of crime, disease, pauperism, imbecility, or other infirmity, whether of mind or body; to learn also the facts which illustrate the history of their treatment, and the merits and the limitations of the agencies devoted to them—their economies, their humanity, their intelligence, and their progress. In that way might we hope to give coherence and system to the institutions themselves, to render the experience of each advantageous to all, and to accumulate in time facts sufficiently numerous to form a basis for safe reasoning, not alone for the guidance of the Legislature in its annual deliberations, but aiding also the philosophers of social science and public economy in their generalizations, and thus incidentally contributing to the common stock of human knowledge.

I entertain the hope that, by a series of careful, dispassionate and well-methodized reports, devoted to the arrangement and presentation of the past and current history and statistics to which I have alluded, sought after with a single eye to the discovery of truth, and promulgated in its interest without prejudice of theories or pre-occupation, the Board of Charities will commend itself to the people, and will fully justify the design in which it originated. I am quite far from believing that a single report, however complete or elaborate, ought to be conclusive. I am quite aware that, misconstrued by partiality or preconception, there is nothing more delusive than the figures of arithmetic, scarcely anything so likely to mislead, as facts incontrovertibly true. The fault, however, lies not in the figures, nor in the facts. The error flows from that hasty and impatient temper of the intellect, which so often hurries the mind to a verdict before all the witnesses have been heard, and from a certain narrowness and bigotry of the understanding, which allow its whole field of vision to be usurped by an imperfect or partial array of incidents and circumstances. While I cannot doubt that the process of time will, after the methods I have ventured to recommend, evolve substantial improvement, both in our theories and in our measures, I do not the less freely confess, that the truest and surest reform is that

which, imitating the patience of nature, and of Providence, is content to "make haste slowly."

In this connection it is due to my respect for the merits of those officers, to say, that my official relation of four consecutive years with the institutions of which I have spoken, convinces me that at the present moment they are administered and governed with a fidelity and intelligence not to be surpassed in any department of the public service. Without believing that our system and methods are yet perfect, I believe that the staff attached to the penal, correctional and charitable institutions of Massachusetts, merits your confidence and encouragement, and that it compares favorably with any similar body of officers in the world.

My attention was early attracted to the presence of certain sanitary evils, which appeared incidental to those establishments where considerable numbers of paupers, including many victims of disease, sometimes flagrant and sometimes only incipient, are congregated. These evils it has been attempted to diminish, by calling in the aid of professional experience and skill, as vacancies have occurred in the various Boards of Trustees and Inspectors. At present, there is not one of these boards which does not contain a member fitted by his studies and pursuits to be an intelligent inspector of the medical and surgical department of the prison, hospital, or almshouse to which it pertains. And in addition thereto, I am indebted to the courtesy and public spirit of three gentlemen of the medical profession, especially fitted by their training and practice for that work, who have visited, at my request, certain of these establishments, with a view to their advice touching details by which my own mind had been perplexed.

I desire to make particular allusion to the danger and inhumanity attendant on the enforced removal of sick persons from the towns where they happen to be, to the State Almshouses, involving, oftentimes, needless suffering to the individual, and, in the case of contagious diseases, criminal hazard to the public health. I observe, also, palpable defects in the provision made for the care of the sick at the Almshouses, while at the same time numerous sick persons are sent to them. Persons who need public assistance, not because they belong to any permanently pauper class, but only because they are sick, ought, I think, if possible, to be cured in the towns where they are. The accident of temporary illness happening to industrious and honest poverty, sometimes makes a temporary pauper. Unless such persons can be conveyed to a proper hospital, as for example, Rains-

ford Island, the City Hospital in Boston, or the like, for curative treatment, I submit they should be cured in the towns where are their homes. Why should their recovery be perilled by needless transportation to a remote State Almshouse—perhaps scattering contagion as they go, and helping to increase the tendency to infection, always sufficiently great, in such an establishment—there to be treated, where the hospital is only an incident to the main design of the place, and where their presence tends only to diminish the room, while it contaminates the air?

The institution of the State Almshouses originated in the occasion found to exist, to provide for a class of vagrant paupers, for whose disposition previous laws were thought defective. The existing Almshouses ought to be enough to include all of this class for many years to come. The sound policy of the Commonwealth must be not to increase State pauperism. Instead of breaking up families, it is for their own good, and for the public interest in all cases where they have a permanent residence, and especially where they are disposed to be industrious, that they should enjoy such relief for the time being, at or near their homes, as their necessities require. Such relief judiciously administered, bridges over a momentary distress, while under the influence of the other treatment the subject often lapses, (particularly in the case of children,) into permanent pauperism. And while the Commonwealth is thus called upon unwisely to increase her Almshouses, those of the towns are left largely unoccupied.

The last census shows that of the 1,231,066 inhabitants of the Commonwealth, 425,519 were born in other States or countries. This fact indicates a large and ever increasing class of persons who will never, under our present laws, acquire settlements in any city or town, but be left, in any emergency of poverty, to relief by the Commonwealth alone. And yet very large numbers of those, wanting only the technical or arbitrary conditions of settlement, are really permanent residents and citizens of the places where they abide, have contributed to their growth, prosperity and wealth, by their taxes and their industry, are sometimes citizens by nativity, and have inherited settlements even within the *equity* of existing laws.

I am aware that changes in our settlement laws are deemed objectionable. Indeed, our present law of pauper settlement, chap. 69 of the General Statutes, enacted in 1859, is identical with the Act of 1793, chap. 34, varied by

one slight amendment in chap. 94 of the Acts of 1821.* Those laws have encountered the criticism of the bar, received the interpretation of the bench, and are pretty well understood by professional experts. Yet, in view of the considerations alluded to, I must venture to commend to your attention the following, selected from those proposed amendments which have been suggested by thoughtful and experienced persons :

1. That any person having a clearly established maternal settlement shall be allowed its privileges, without being obliged to prove the want of any paternal settlement. Such proof is almost an impossibility, unless the father was an alien. It is required to prove a negative, and that proof must extend back in many cases through two hundred years. It would seem that simple justice should require the town of maternal settlement to relieve the pauper, till that town can find a paternal settlement for him. This simple change to what was once the law, would relieve a very worthy class of citizens, by no means inconsiderable in numbers. It would also prevent the separation of families.

2. That the minor children of a widow re-marrying, should share the settlement thereby acquired by her through the step-father, in cases where they inherit none through either parent.

3. That aliens, having fulfilled all the conditions of settlement except the oath of naturalization, should enjoy the same privileges in this regard as the native born. The right of settlement appears to have originated in the idea that a man, having by his usefulness or his industry conferred a certain amount of benefit on a community, should be entitled for himself, his wife and his posterity, to certain peculiar rights and privileges, in case of any disability. I fail to see why any man, who has borne his share of public burdens, should be deprived of the rights that accompany them,

* One curious to explore the earlier legislation, will find it in a book of sixty-four pages by the late Judge Leavitt, of which the following is the title page :—

"A Summary of the Laws of Massachusetts, relative to the Settlement, Support, Employment, and Removal of Paupers. By Jonathan Leavitt, Esq., Counsellor at Law."

"We find within our breasts the active principles of humanity, social affection and generous sympathy. Out of this reflection springs a sweet reward for all the labors of benevolence.—*Belisarius*."

"*Juris præcepta sunt hæc : honeste vivere, alterum non laedere, suum cuique tribuere.—Justinian.*

"The poor shall never cease out of the land ; therefore I command thee, saying, thou shalt open thine hand *wide* unto thy brother, to thy poor, and to thy needy in thy land.—*Deut. XV. II.*"

simply because he has omitted an act which family reasons might not permit, or from which he was deterred by an instinctive affection for the land of his birth and his memories. And still more do I fail to see why the innocent children, born perhaps on our soil, and reared with our own, should be made to suffer for the omission of their father. The removal of this disability would sweep away at a stroke many of our troubles. The permanent alien population would secure settlements, which would stimulate to the cheerful payment of taxes, by the benefits it holds out to them.

4. That all soldiers who have served for three years during this rebellion, and been honorably discharged, or who have been killed, wounded or otherwise disabled in the service, shall secure thereby a lawful settlement in the towns to the quotas of which they have been severally credited. Surely no argument is needed here; for what can be harsher than to refuse the poor choice of the place where their families shall become paupers, to the men who have hazarded or yielded up their lives to defend the rights, liberties and fortunes of those who have remained at home?

5. Intentionally omitting the assessment of taxes, (which omission sometimes throws upon the State many a worthy person, with his posterity for several generations,) should not affect his settlement. It is for the public good that all persons should pay their reasonable taxes. The wilful omission to assess taxes, lest their payment should fix the payor's settlement in a given town, while it simply changes the possible burden of his support from the town to the State, deprives the public treasury of a contribution, helps to degrade and demoralize a citizen, while it in no sense lightens the real burden of his support.

6. I ought to add that it seems to myself personally, only just and reasonable that the fact of constant residence by any person for a certain number of years in a particular place (not becoming during that time a recipient of public charity,) ought to gain for such person a settlement, so as to entitle him to pauper relief. So also that a child born of parents having their home in any given place, should gain a settlement by the fact of his birth. If any reasons exist why such rules would bear inequitably on the towns, their operation could be modified by requiring of the Commonwealth to share the expense incident to such cases.

No share of the pauper expenditure which any equitable policy would cast on the Treasury of the Commonwealth, is intended by these remarks to be avoided. It is as easy for

the people to pay taxes into one treasury as into another. I speak in behalf of interests in the main common to all, desiring only that the rights and welfare of the people, which ought always to be brought to the test of principles, may not be subordinated to merely local or temporary expediency.

HOSPITALS FOR INVALIDED SOLDIERS.

In response to an application to the Secretary of War, through the Medical Director of the United States Army, Department of the East, a commodious United States Army General Hospital at Worcester, on the site recommended by the State, is now in process of erection, which on its completion will be one of the best constructed in the country, accommodating one thousand patients. Another United States General Hospital is nearly completed at Readville; and ample facilities are thus afforded to our sick and wounded.

An informal recommendation was made to the Surgeon-General of the United States Army,* for the transfer of sick and wounded Massachusetts soldiers, permanently disabled, from those Departments most remote from the State; but no formal application has been made for individual transfers, except in urgent cases, and on due consideration, as such action tends to derange the plans of the proper medical authorities, who are the best judges of the soldiers' condition, and of other circumstances over which the State has no control.

I refer you to the report of the Surgeon-General of this State for other information connected with this subject, and such other matters as are incidental to his Department. The full and thorough reports of our several Military Agents are also appended to his report. I have, from time to time, made such details of Special Agents to visit and examine into the condition of our troops, as circumstances have required, and their reports are on file.

The delays and difficulties experienced by returned soldiers, invalids, widows and children, in obtaining from the General Government the moneys due them by law, are so great that inquiry should be made whether it is not possible

* I gladly avail myself of this occasion to express my thanks to the Medical Director of the Department of the East, and the Directors of other Military Departments, for their prompt and courteous response to all applications of inquiry, and to express my confidence in the efficiency of the Medical Corps of the Army, under the energetic and humane administration of the present distinguished head of the Bureau at Washington.

in some way to aid and expedite these claimants. Many of them are in great need, and all of them are entitled to receive the dues earned at the sacrifice of blood, and health, and life itself, "completely and without any denial; promptly and without delay."

Associations have been organized, whose object it is to assist this class of claimants. But, even with such aid, it is found that it requires not less than eight months to obtain the settlement of the simplest claim. Where there has been any omission of evidence, or any error in form, months more of delay are experienced; so that many of these persons, despairing of obtaining justice, dispose of their claims for trifling sums to meet their present necessities.

Some States have already provided for mitigating these evils by their own laws. Apparent injustice to such claimants operates most unfavorably upon the cause of the government in filling the ranks of the army, and I earnestly commend the subject to your attention.

SCHOOLS.

In the midst of war, Massachusetts has allowed no abatement of her efforts to extend the blessings of education to all her youth. In proof of this, the returns for the school-year 1863-4, made to the office of the Secretary of the Board of Education, furnish, among others, these gratifying statistics.

The amount raised by the cities and towns, by voluntary taxation, for the support of the *Public* Schools, (including only wages of teachers, fuel, care of fires and school-rooms,) for the school-year 1863-4, was \$1,536,314.31, against \$1,434,015.20, for the school-year 1862-3, being an increase, this last year, of \$102,299.11, and over any previous year, of \$35,813.18.

The aggregate return of expenditures on Public Schools alone, (exclusive of the cost of repairing and erecting school-houses and of school-books,) is \$1,679,700.24, being an increase for the year of \$112,750.76, and over any previous year of \$44,073.95, and being an average sum of \$6.95 for every person between five and fifteen years of age.

All the towns have raised the sum required by law as a condition of receiving a share of the income of the State School Fund, (\$1.50 per child between five and fifteen,) and 286 towns of the 333, (or all but 47 of the whole number,) have raised *twice*, or more than twice, that amount.

There was paid for *tuition* alone, in Academies and Private Schools, \$394,071.09—an increase for the year, of \$57,523.14.

The amount expended for popular education in Massachusetts, exclusive of Collegiate and Professional Schools, exceeds *three million dollars* annually.

The satisfaction which these statements naturally inspire is somewhat abated, in view of the fact that 87, or more than one-fourth of the whole number of towns, have failed to keep their public schools the full term required by law. This, however, is to be attributed, not so much to inadequate appropriations, as to the unhappy sub-division of these towns into small school districts, thereby seriously abridging the schools.

I recommend that \$3 instead of \$1.50 raised by taxation, for each scholar, be made the condition on which its distributive share of the annual income of the school fund shall be received by each town. Three dollars is less than one-half the average sum now raised by the towns, and unless the sum required by law is increased, the conditions imposed by law will fail of being an influential motive for the future. Nor should any district share in the income of the fund, which omits to keep its school open six months in each year.

Notwithstanding the draft for the army upon two of the Normal Schools,* and the fact that the enhanced cost of living has obliged some to leave, and deterred others from

* The patriotic record of the schools at Westfield and Bridgewater, to which male pupils are admitted, deserves commendation. When the war broke out, there were forty male pupils in the school at Westfield. All but twelve of this number enlisted at once as volunteers. As many as ten others of the recent graduates have also joined the army. About seventy per cent. of the males in attendance during the last four years have gone to the war. Twelve have lost their lives, either on the battle-field or by exposures on the march and in the camp.

The number of young men connected with the Bridgewater School between March, 1861, and the beginning of the present term, September, 1864, is 108, of whom thirty-five, or thirty-two per cent., have entered the army as volunteers. Thirty-eight have entered the army, of those who were members of the school before the war commenced.

Five hundred of the alumni and students of *Harvard College*, (nineteen per cent. of the whole number living,) have been engaged in the service of the country. This number includes some who are now undergraduates, and many who left college to enter the army and have never been graduated.

Of the alumni of *Amherst College*, sixty-nine have been in the service, with seventy-seven of her undergraduates—a total of one hundred and forty-six, being about nine per cent. of the whole number of those who have graduated from the college or are now connected with it.

Williams College has sent not less than two hundred of her graduates to the field, being about nine per cent. of the whole number, not including undergraduates.

entering them, still the number in attendance has not fallen below the average for several years past, and the classes recently entered are unusually large.

The demand for teachers from the graduates of these Schools has greatly increased since the war began, and is much greater than can be supplied. This is owing mainly to two causes: 1. The reduction of the number of male teachers in the Commonwealth; and, 2. The constantly growing appreciation in the community of the superiority of teachers thoroughly trained for their work, over those who have not enjoyed the advantages of such training.

LIBERALITY IS THE ECONOMY OF STATES.

Liberality toward all Institutions of Science and Art which develop the mind and foster civilization, is our highest interest, and must be our welcome duty. A Commonwealth which spends freely, if wisely, in unfolding its material resources by artificial improvements, by cultivating the intellectual capacities of its people, by encouraging the ingenious to experiment, the aspiring to try their wings, and the studious to divine the mysteries of knowledge, must, of necessity, be prosperous and great. In such things, to be mean is to be poor, to be generous is to become rich.

That which is only economy when applied to an *individual*, whose enterprise must be bounded by the opportunities of a single lifetime and a limited fortune, becomes narrow and short-sighted when applied to *States* having all the combined opportunities and powers of millions of people, of all their possessions, and of unlimited duration of time.

THE AGRICULTURAL COLLEGE.

The progress made toward establishing the College of Agriculture will be exhibited in the Annual Report of its Trustees, soon to be presented, to which I invoke the attention of the General Court. Preliminary measures have been adopted for the location of the College in the town of Amherst,—including the decision of the Trustees selecting that place, and the approval of the Governor and Council, followed by the purchase by the Trustees of a considerable quantity of eligible and fertile land, destined for the site of its buildings and operations.

Although overruled by the better judgment of the Legislature as to the views which I had the honor to present at length in the Annual Address of 1863, and although I remain more fully convinced than ever, after the reflection of two

intervening years, of their substantial soundness, I have felt it to be my official duty cordially to co-operate in endeavoring to give vitality and efficient action to the college under the auspices determined by the law of its creation. Of all the places offered and possible under the charter, the place selected by the Trustees seemed justly to be preferred, having in view all the relative advantages of each.

My own idea of a college likely to be useful in the largest way to the people, most vigorous in its growth, promotive of the progress of thrifty and intelligent farming, productive of scientific and exact knowledge (which is the true basis of prosperity,) worthy of Massachusetts, and able to command the respect while it challenges the pride of her agricultural community—is one perhaps not yet to be realized. But I beg to commend the subject of Agricultural Education, and the patronage of this institution of the State, to your liberality. I should deeply regret to see an institution which bears the name of Massachusetts, and will be held to be representative of the Commonwealth, especially of the highest aspirations of her yeomanry, allowed, for want of generous support, to degenerate into a mere industrial school. There are a hundred farmers who can teach technical farming, the manipulations of the industry and economy of the field, orchard, dairy, or stable, on their own homesteads better than they can ever be taught elsewhere. So too, for the distribution or repetition of familiar knowledge, for the study of the ordinary text-books, the cultivation of science in the way of imitation and of elementary teaching, we might even very safely rely on the academies and schools already provided. There is, however, a vision of an ideal excellence in the way of prosecuting the studies needed for the illumination of the dark places of our agricultural life, which must some day be realized. Nature spreads out before mankind a world of almost infinite possibilities. The competitions of the mechanic arts have put in requisition all the aids of known science, are constantly stimulating into life new discoveries, or crowding the adventurous thinker and inventor to invade some new domain of knowledge or ingenuity; while civilized agriculture has, during the greater part of its history, contented itself with the devastation of its fields, and with seeking for virgin soils, to be cropped in their turn to sterility. There is in our Commonwealth a very large and increasing body of intelligent farmers, who believe in a future for their favorite pursuit worthy of that art which is the fountain of all others and is the final source of wealth. But there is needed, as well for them as for those less impressed by the

value of science, the inspiring lead of constantly advancing ideas. There is needed for all, for the future glory, power and happiness of our Commonwealth, the purpose to actualize, in this most practical and yet poetical and beautiful of the domains of useful life, an ideal excellence—the conceptions of the profoundest thought.

When the Commonwealth touches such a subject, she ought to feel herself to be like the priestess, advancing to handle the sacred symbols, and on holy ground. She should remember her own dignity, the immortality always possible to States, the error of which she is the promoter hereafter, if she commits herself to error now, the boundless scope of her good influence, the millions of men on whom her influence may be made to tell through all the amplitudes of space and time. When I contemplate such a subject, the reason is content to yield to the imagination. I remember the photograph, the magnetic telegraph, the discovery of vaccination, the painless operations of surgery,—the triumphs, the miracles of genius. I seem to see, for the Earth herself and her cultivators, the coming time, when Husbandry, attended by all the ministries of science and art, shall illumine and rejuvenate her countenance, and re-create our life below.

INSTITUTE OF TECHNOLOGY.

The Massachusetts Institute of Technology, to which the legislation of 1863 assigned one-third of the Agricultural College fund, is making satisfactory progress. Its meetings as a Society of Art are well attended, and by affording frequent opportunities for communications and discussions relating to the practical arts and sciences, are helping to guide and stimulate their investigation.

Through its Committee of Instruction the Institute has framed a programme for its School of Industrial Science, having in view two classes of pupils, those who frequent the lectures and School of Design for such useful knowledge as they can acquire without methodical study and in hours unoccupied by business, and those who aim at a progressive and systematic training in one or more branches of applied science, the latter head comprising a full course of the study and practice required for the professions of the Mechanical, Civil and Topographical Engineer, the Builder and Architect, the Industrial Chemist and the Engineer of Mines.

It is proposed to begin some of these courses during the present winter in the rooms of the Institute on Summer Street, there to continue until the edifice on the Back Bay,

especially intended for the School of Industrial Science, shall be ready for them. This building is so far advanced that it may be expected to be occupied early next winter. Looking to the importance of early carrying out the entire plan of the School of the Institute, and of providing also for a second building to accommodate the Museum of Industrial Arts, it is satisfactory to know that the liberality already shown to the Institute by its friends continues actively regardful of its interests, and that the generous donor to whom it has heretofore been so pre-eminently indebted for assistance, has recently offered a further large contribution on conditions which will double the amount, and which are now in process of being fulfilled.

NATURAL HISTORY.

The Boston Society of Natural History has removed its collections to the new building on the land granted by the Commonwealth on the Back Bay, where its Museum, open to the public on stated days, attracts a large and increasing number of visitors, including many who frequent it for special and systematic study. The important additions to the Museum and library, and the zeal of its scientific meetings, since the opening of the new building in June last, give assurance of the benefits which its enlarged means of usefulness will enable it to confer on the science and education of the Commonwealth.

This Commonwealth was among the first to show its appreciation of the practical bearings of scientific inquiry, by providing for geological, botanical and zoölogical surveys. The Reports which were the fruits of these surveys have not only been widely recognized as important contributions to knowledge, but have furnished an example and an incentive to similar explorations in other parts of the United States.

The report of Mr. Emerson on the Trees of Massachusetts has been once reprinted, and that of Dr. Harris on the Insects Injurious to Vegetation has been brought out in a third edition, enriched with additions and illustrations. Belonging to the same series is the Report on the Invertebrate Animals of Massachusetts, prepared by Dr. A. A. Gould, and published by the Commonwealth in 1841. This volume, notwithstanding the unavoidable incompleteness of a first report, has been so much demanded abroad, as well as at home, that it has been for many years out of print. Its author, during the long interval since its publication, has been constantly perfecting it by his observations and collections, and has completed the work of its revision. If the

Commonwealth will reprint the Report in its improved form, requiring a sum not exceeding \$4,000, he will freely contribute the labor of superintending the publication, as well as that already devoted to its preparation. Considering its value as a further contribution to our knowledge of the natural history and resources of Massachusetts, and as a useful fund for exchanges with other States and countries which contribute to the State Library ; and bearing in mind that these results of more than twenty years of investigation, which are so liberally offered to the Commonwealth, are the work of an eminent naturalist specially devoting himself to this object, and which, if lost, could not be replaced, I have no hesitation in recommending that this moderate provision be made.

MUSEUM OF ZOOLOGY.

The collections in every department of natural history are increasing so fast at the Museum of Comparative Zoölogy in Cambridge, that an extension of the building has become a necessity. Notwithstanding all obstacles, however, the large amount of duplicates lately made available for exchanges has begun to be distributed throughout the civilized world, and the returns received for these invoices are daily adding to the value of its collections. This extensive system of exchanges tends to give a national importance to the Museum, inasmuch as it represents the range of its transactions and the spirit in which its investigations are conducted.

The Museum is not intended merely as a great show of specimens in natural history ; it is, and has been from the beginning, an educational institution. Beside the regular courses of lectures in zoölogy and geology, connected with the Lawrence Scientific School and delivered in the Museum, additional courses on special branches of zoölogy are now given by the assistants and by the Curator, who has of late added to his usual courses one upon the natural history of the domesticated animals, especially addressed to the farmers of the neighborhood. His chief object in this course has been to establish a relation, long considered most desirable, between the practical agriculturist and the man of science. Occupied with the same objects, though from very different points of view, they should work hand in hand, and while the theoretical knowledge of the naturalist may help the farmer to better and surer results, the latter, by conducting the daily experiments of the farm upon philosophical principles, may aid in solving some of the most important problems engaging the attention of the scientific world.

Another University course,* also by the Curator, which has now been continued at the Museum during three terms, is especially addressed to the more advanced students of the institution, with the purpose of showing, not so much what has been done, as what remains to do in zoölogy. The fundamental principles of the science are here discussed, and the subjects requiring further investigation indicated.

The appointment by several of the most prominent kindred institutions, of pupils from this school, as curators or professors, is strong proof of its progress and reputation.

STATE CENSUS AND INDUSTRIAL STATISTICS.

It is required by chapter 20 of the General Statutes, that "a census of the inhabitants, ratable polls and voters" of the Commonwealth, "as they were on the first day of May of the same year, shall be taken and returned to the office of the Secretary of the Commonwealth on or before the last day of June" decennially. An enumeration was made in the year 1855, and the returns embraced not only the particular schedules required by the statute, but also the *name* of each inhabitant, thus giving a more complete census than had ever before been taken under authority of the State.

By the laws of 1855, chapter 467, statistical information was also obtained of the several branches of industry in the Commonwealth, as they existed on the first day of June of that year in each city and town. It is very desirable that similar returns should be made in connection with the census of this year, so that some just estimate may be formed of the increase in our material resources, and the ability of our people to meet the demands of the increased expenditures and taxation incident to the war.

I commend this subject to the early attention of the Legislature, in order that the necessary preparation may be made for distributing the proper blanks, and issuing instructions to the officers charged with collecting the statistics. It would be desirable that the schedules for these statistics should embrace the points of inquiry made by the Federal

* Whenever practicable, this course has been connected with some problem of scientific inquiry now under consideration; unfinished investigations being purposely selected, in order that from lecture to lecture, the progress made during the intervening period, and the means employed by those engaged in this work, might be distinctly shown, with a view of combining the special instruction in natural history with an analysis of the mental process and a practical lesson in methods of study; thus opening the way for the rising generation in this department of science, by pointing out its desiderata, while, at the same time, its immediate application to the practical purposes of life is constantly kept in view.

Government, in order that comparisons may be instituted with the similar statistics of the Federal census of 1860. They can also include the inquiries framed by our own survey of 1855, and thus render possible a like comparison.

I desire to call attention to the excess of women in Massachusetts, and to the surplus of men in Oregon, California and other remote Western communities. The facility with which young men migrate, the attractions and opportunities for them of new States; the obvious embarrassments to the migration of young women, the attractions of home, wherever it is, to the heart of woman, and her natural dependence, combine to create this inequality in the distribution of the sexes. In Oregon, having 52,160 inhabitants, according to the census of 1860, there were 19,961 males over fifteen years old, and only 9,878 females above that age. Its population is now estimated at over 100,000—this disproportion yet remaining. In Massachusetts there were 257,833 males between the ages of fifteen and forty, and 287,009 females, or a surplus of 29,166. The excess of women of all ages above fifteen years, was 38,846. The absorption of men by the military and naval service during the intervening four years has aggravated this disproportion. And it is a disastrous one: it disorders the market for labor; it reduces women and men to an unnatural competition for employments fitted for men alone, tends to increase the number both of men unable to maintain families, and of women who must maintain themselves unaided. In civilized, refined society, it is the office and duty of man to protect woman, to furnish her a sphere, a support, a home. In return, she comforts, refines and adorns domestic life, the family, and the range of social influences. This is also the plainly providential order. Where women are driven to the competitions of the market with men, or where men are left unsolaced and unrefined by the presence of women, society is alike weakened and demoralized.

I know of no more useful object to which the Commonwealth can lend its aid than that of a movement adapted in a practical way to open the door of emigration to young women who are wanted for teachers, and for every other appropriate as well as domestic employment in the remote West, but who are leading anxious and aimless lives in New England.

SOLDIERS' VOTE.

A proposition to amend the Constitution of Massachusetts, empowering the Legislature to provide a way to collect the

votes of those citizens absent from home in the service of the country in time of war, passed the General Court at its last session. I recommend its early adoption by this General Court, and that a day be fixed for its ratification by the people, sufficiently early to enable our soldiers to vote at the next autumnal election.

THE CORPORATION TAX ACT.

The Act called the *Corporation Tax Act*, (Acts of 1864, chap. 208,) has been in operation during the past year, and enough is already known to warrant the belief of its soundness in principle and in its general features. It would be desirable that a similar law should be adopted by the several States, with a correlative provision, similar to that of Connecticut, namely, that "it shall not be necessary to include in the list of any person taxable in any city or town any property situated out of the Commonwealth, when it can be made satisfactorily to appear to the assessor or assessors that the same is fully assessed and taxed in the State where such property is situated, to the same extent as is other like property, owned by citizens of such State." This would tend to secure the taxation of all corporate property somewhere, to prevent the stock of non-residents being taxed twice, when it should only be taxed like other property, and by that Government within whose jurisdiction it exists and by which it is protected. The particulars of the operation of the Corporation Tax Act will be given in the report of the Commissioners charged with its execution.

I had hoped to declare the aggregate valuation of the Commonwealth in this Address, as ascertained by the Committee of Valuation. But, although it has pursued diligently its labors, the unavoidable delay incident to executing this Act for the first time, has prevented the materials therefor from coming into the hands of the Committee in season to complete the work. I recommend that this General Court shall, if need be, provide by Resolve for the further continuance of the powers of the Committee and for the equitable compensation of its members.

In former annual addresses I have recommended the *Abolition of the Penalty of Death*, also an important change in *The Law of Marriage and Divorce*, a substantial modification of *The Usury Laws*, and also the establishment of an Institution for *The Curative Treatment of Inebriates*. Without repeating what I have heretofore had the honor to pronounce, I respectfully ask your recurrence to my printed

addresses to former Legislatures. The views there expressed did not fail to receive such support from those to whom they were immediately addressed, as to encourage the belief that time and discussion alone are wanting to their ultimate adoption. I believe they express the conclusions of the best modern thinkers.

THE MILITIA.

Immediately after the adjournment of the last Legislature, steps were taken for the reorganization of the militia under the Act of May 14, 1864. By General Order No. 22, of the 23d of June, the different commanding officers were directed to make returns of the condition of their several commands; and by General Order No. 32, of the 20th of August, issued as soon as these returns had been received and examined, those of the existing companies and regiments which presented evidence of ability to conform to the requirements of the new law, were designated and continued in being, under the power conferred upon the commander-in-chief by that law; and all other organizations were disbanded.

There are at this moment twenty-three unattached companies of infantry, six companies of cavalry, two companies of light artillery, and two companies of cadets, fully organized. Of these, fifteen companies of infantry, two of cavalry, and one of light artillery, have been organized during the past year, exclusive of those specially raised to fill up the regiments of one hundred days men.

The 3d, 5th, 6th, 8th, 42d, and 60th Regiments of Infantry of the Volunteer Militia, which volunteered for one hundred days' duty, and were recently mustered out of the United States' service, have also been maintained and continued, to afford them proper time to recruit and prove their ability to maintain themselves in conformity with the requirements of the new law. I am assured that at least four of these regiments will be able to do this, and have little doubt that by adding to them, in place of companies specially raised for their late duty and which may now disband, such of the unattached companies as are situated within the districts included in these regiments, these various organizations which have won so enviable a fame, may be strengthened and made thoroughly efficient.

I shall at an early day transmit for the use of the General Court, a Report made by Colonel Harrison Ritchie, my senior aide-de-camp, on the progress thus far made toward the general organization of the militia under the Act of 1864. To this report, prepared with the utmost care and

completeness, I shall refer the Legislature for information on this important subject, adding only at this moment, that the preliminary division of the State into company-districts, as therein recommended, has been adopted and promulgated in General Order No. 49, of December 7, 1864, and orders for the first elections of captains of companies in those districts issued.

The labor and detail involved in re-establishing the militia on a footing at once constitutional and efficient, were not to be estimated in advance, and I trust that the legislation of last year will be left undisturbed by change until the organization thereby established shall have been perfected. Radical and important changes will invalidate what has been already done, and would postpone again for a year a final organization which is now in progress toward a successful completion; whereas, any alterations required in the present law will be more clearly seen when the system established by it shall have been put into full operation.

I will not here repeat the views which I have had the honor to submit heretofore on different occasions to the General Court, upon the great importance of a more general introduction of elementary military instruction into our system of public education, and of the establishment of an academy particularly devoted to the higher branches of this and its allied services. They will be found in my address to the Legislature of 1862, and the report by Col. Ritchie accompanying it on this subject, and more at length in my address to the Legislature of last year, with the able report of the commissioners concerning the establishment of a military academy, appointed under Chapter 73 of the Resolves of 1863, as also in the reports by an informal commission, and by James Freeman Clarke, to be found in Senate Documents, Nos. 12 and 61 of 1864.

I recommend the subject to the consideration of the Legislature, merely stating that while the success of the experiment of military training in those public schools in which it has been tried, has confirmed my views of its feasibility, the experience of the past year has also strengthened my conviction of its importance and of the benefits to be derived from it.

RECRUITING IN THE REBEL STATES.

By an Act of Congress, passed the 4th day of July, 1864, it is enacted that it shall be lawful for the Executive of any of the loyal States to send recruiting agents into any of the States declared to be in rebellion, except Arkansas, Tennessee, and Louisiana, to recruit volunteers who shall be

credited to the State which may procure the enlistment, and to the respective sub-divisions thereof.

Pursuant to this law, the Secretary of War provided by General Order No. 227 of the series of 1864, for the inspection and muster-in of the recruits, and for the proper regulation of enlistments; establishing at leading convenient points camps of rendezvous where recruits may be delivered, mustered and distributed.

For the purpose of securing the prompt, economical and just execution of the law and order aforesaid, in harmony with the military authorities of the United States, and of avoiding competition between towns to the injury of them all, as well as of securing the largest practicable number of recruits for the common and equitable benefit of such cities, wards and towns as may co-operate with the Government of the Commonwealth in obtaining them, an order (No. 27 of the series of 1864,) was promulgated from the Commonwealth Head-quarters, under which the work has proceeded with satisfactory success. It has been conducted under the able direction of the Provost-Marshal-General of the Commonwealth, (Colonel Joseph M. Day,) with the advice of a Board of Recruitment, selected from among gentlemen of experience and of known devotion to the public welfare, representing different portions of the State. It has been our aim to conduct this recruitment in a spirit of implicit obedience to the Act of Congress, and of exact conformity to the order of the War Department above alluded to, having in view primarily the fundamental purpose of increasing the army by the enlistment of able-bodied colored men. The bounties provided by the Legislature of Massachusetts are required to be paid to the recruits themselves after their muster-in to the credit of the Commonwealth. The expenses of carrying on the work are paid out of the moneys furnished by the municipalities, for whose common benefit the recruits obtained are distributed. The economy of the method adopted is amply vindicated. The whole expenditure of every description, including that of the Provost-Marshal's Bureau at home, and of assistants, of paymasters and all other agents, falls considerably below the average sum of \$125, deposited by the towns for each recruit. The brief experience we have had since the Act of July went into operation, tends to confirm the views I had the honor to express, in advance, in the last Annual Address. And although the recruitment of persons in the rebel States, especially within the lines of military operations, otherwise than through the agents and by the methods heretofore used in the army, has not met the favor of most Commanding

Generals, yet I am of the opinion that their objections originated mainly in their apprehensions that the agents of the States would, by reckless competition, by infraction of just military rules, and by subordinating the common good to the selfish purpose of swelling the number of their credited recruits, be found at least dangerous, if not injurious. I am glad to declare that our own officers have creditably sustained themselves, under the difficult circumstances of their positions, have avoided collisions with those of the army, and have apparently conducted with fidelity alike to the Commonwealth and the Union, and with honesty toward all persons.

NAVAL CREDITS.

Until the passage of a Resolution of Congress, on February 24, 1864, relative to the transfer of persons from Military Service to the Naval Service, no credits in making requisitions for Volunteers in the Army, nor in conducting the draft, were given for men who had enlisted into the Navy, whether as seamen or marines. That resolution directed enlistments into the Naval Service to be credited to the appropriate districts, under regulations to be prescribed by the Secretary of War and the Secretary of the Navy. This legislation was the beginning of tardy justice to those communities whose people had contributed largely to the Navy, and thus weakened their ability to respond to the exactions for the Army, without securing to themselves any corresponding immunity from draft. I had endeavored previously to do what I could in behalf of the people of Massachusetts, to claim that their services rendered upon the ocean not less than upon the land, should receive, by amendment of the National legislation, the credit alike due to an equitable adjustment of public burthens, and to the patriotic fame of the Commonwealth. Under the resolution of the 24th of February, those men who were afterwards enlisted in the Navy, were at last duly credited. But it was not until the 4th of July that full justice was obtained.

By an Act of the present Congress of the United States, Chap. 237, approved July 4, 1864, it is provided in Section 8, that "all persons in the naval service of the United States, who have entered said service during the present rebellion, who have not been credited to the quota of any town, district, ward or State, by reason of their being in said service and not enrolled prior to February twenty-fourth, eighteen hundred and sixty-four, shall be enrolled and credited to the quota of the town, ward, district or State in which they respectively reside, upon satisfactory proof of their residence made to the Secretary of War."

The Secretary of War appointed the Governor of Massachusetts and the Hon. John H. Clifford, a Commission to ascertain what credits this State and its several sub-divisions were entitled to under this law. The letter of appointment, dated July 7, 1864, says: "In determining this question, the Secretary thinks it will be fair to presume that the State in which the enlistments have been made, is entitled to the credit of those enlistments unless it shall appear by more direct evidence that the credits belong elsewhere. The point of law to be observed in applying the Act quoted, will readily be perceived by the Commission."

The Commission thus constituted entered immediately upon the discharge of its duties. Copies were first obtained of the records of naval enlistments kept at the Charlestown Navy Yard; and on the 21st of July, a circular was sent to the Mayor of each city and the Chairman of the Selectmen of each town, giving notice to the municipal authorities to return to Major William Rogers, Assistant Adjutant-General, on or before the 10th day of August, lists, under oath, certifying the names of all persons residing within their respective municipalities who had entered the naval service of the United States during the rebellion, and who had not been credited to the quota of any town, district or ward, by reason of their being in said service and not enrolled prior to February 24th, 1864; and these lists were required to distinguish, as far as possible, the men belonging to each sub-district. The returns, in reply to this circular, were generally made with promptness. As they were received, they were copied in alphabetical order; and all the records of persons found to have enlisted in Massachusetts into the Naval Service during the war, were embodied in eighteen books, containing in all, 22,360 names. The whole work was required to be completed and a report thereon made to the Acting Provost-Marshal-General of the United States for Massachusetts, on the 5th day of September. The number of clerks was therefore increased so as to employ about twenty-five men during the day and an equal number during the night.

The rules adopted by the Commissioners for crediting, were: 1. To credit only those who had joined the service subsequently to the rebellion. 2. To credit only those who had joined the service at some rendezvous in the State. 3. To credit to the State at large, men whose residence could not be clearly settled.

The Commission was governed by the rules which obtain in giving credits for enlistments in the army; the enlistment

of one man for three years was counted as an unit, and all credits, whether for one, two, three or four years, made to conform thereto. This was pursuant to the 3d section of the Act of July 1, 1864, (Chap. 201,) which requires "that all enlistments into the naval service or marine corps during the present war, shall be credited to the appropriate township, precinct or district, in the same manner as enlistments for the army."

On September 5, a Report was furnished, complete in everything but the distribution of the surplus remaining to the credit of the State at large, which was divided *pro rata* among the different cities and towns. The final Report was rendered on September 10. I present a tabular recapitulation of these Reports.*

Duplicate copies were then prepared of the distribution of credits to the cities and towns. These were completed on September 30, which ended the duties of the Naval Commission.

MATERIAL SUPPORT OF THE UNION BY MASSACHUSETTS.

The number of men which, according to the computation of the War Department, the Government of the United States has called upon Massachusetts to furnish to the military service, during the rebellion, is 117,624. The requisitions thus assumed to have been made, although, as stated in my Annual Address of last year, those of 1861 were *pro formâ* only, and were never made in fact, and although I was, during that period, urging upon the acceptance of the General Government troops beyond the number it was then willing to receive, are reckoned as follows:

Call of 1861, <i>pro formâ</i> ,	34,868
Call of July 2, 1862,	19,080
Call of August, 1862, 19,080 militia for 9 months, reduced to 3 years' standard,	4,770
Call of February 1, 1864, for 500,000,	26,597
Call of March 14, 1864, for 200,000,	10,639
Call of July 18, 1864, for 500,000,	21,670
	<hr/> 117,624

* NAVAL CREDITS.—NUMBER OF MEN—	One year.	Two years.	Three years.	Reduced to three years.
Assigned to Cities and Towns,	3,119	1,858	6,742	9,020½
To State at large,	4,113	881	5,647	7,605½
Totals,	7,232	2,739	12,389	16,625½
Total number of men,				22,360

The number actually furnished by Massachusetts, to the army and navy, up to the 22d day of December, 1864, (reckoning the nine months men at only one-fourth of their actual number, and thus reducing 16,685 of this denomination to the value of 4,171 three years volunteers, and reducing the number enlisted into the navy, to the same term of three years,) was 125,437; *making a surplus over all calls, of seven thousand eight hundred and thirteen, (7,813.)*

The number of men credited to Massachusetts up to October 17, 1863, reckoned as individuals, was 75,608, but reduced to the standard of three years' enlistments, was 58,895. I recited the details of these to the last General Court, and an abstract of them is included in an Appendix (C) to this Address. In the same Appendix is contained a detailed statement of the number of men, (66,542,) since then credited to Massachusetts.

It will be seen from that statement that this Commonwealth has contributed to the *Army alone*, during the last year, *nine* new regiments, *one* battalion, *three* batteries and *eight* companies, amounting to 10,900 men; beside recruits, re-enlisted men, veteran-reserves, men enlisted in the regular army, conscripts and substitutes, amounting to 34,546 more; or 45,446 in all.

In addition, Massachusetts has furnished during the year 1864, 1,209 men for ninety days', and 5,461 men for one hundred days' military service, *who are not credited to the quota of the State by the General Government*. Tabular statements of these are presented in the Appendix, marked E and F.

The foregoing statement of 125,437 credited to Massachusetts, is far from giving our whole number of soldiers. Beside the omission of those who volunteered for three months, and for ninety or one hundred days, there has been a reduction made of nine months' men to three years' men, and a reduction of seamen who enlisted for one or two years, to the equivalent of three years' service. The actual number of men furnished by the Commonwealth, as shown by the statement in the Appendix, marked G, is 153,486.

The proportional contribution of Massachusetts to the war, will appear in a still stronger light, when compared with the number enrolled in the militia of the State for the year 1864, which is as follows:

Number between ages of 18 and 45, enrolled by Assessors,	151,929
Number between ages of 18 and 45, returned by Assessors as liable to do duty,	133,767
Number between ages of 18 and 24, returned by Assessors,	23,873

By this statement—without allowing for the number of re-enlistments, which it is impossible exactly to reckon,—it appears that Massachusetts has sent more men into the service than are now to be found in the State between the ages of 18 and 45; and 20,000 more than there are now in the State liable to do military duty.

I have received official notice from the Acting-Assistant Provost-Marshal-General, that, under the last requisition of the President for 300,000 men, dated December 19, 1864, the number to be furnished by Massachusetts is 805; the amount of the credits heretofore allowed to this Commonwealth, above all previous calls, having been so largely in advance as to leave but a small portion of that contingent to be raised here, and even this small balance is left only in consequence of reducing the number of one and two years' men by division, to the equivalent of three years' men. Of this portion, 271 are to be raised in the 8th Congressional District, and 534 in the 9th. There could be no better or more emphatic evidence than this, of the degree to which Massachusetts has kept up her recruitment for the service of the country. If the quota of the State, under the President's calls, were considered as a unit, there would be no requisition whatever on Massachusetts for any portion of this contingent, we, as a State, having a surplus of several thousands. Under the system pursued at the War Department, however, each Congressional District is treated as a unit, and hence it comes that there is a demand on two districts now for men, although the credits to other districts and to the State at large, are largely in excess of all demands.

It will interest the General Court to be informed that the suggestion frequently and publicly made, and intended to impugn the patriotism of the people of the Commonwealth, that the requisitions on them have been largely met by importing recruits from abroad, is not founded in fact. It is true that I have deemed it important to the public welfare that the employment of persons capable of increasing the masculine industrial and military strength of the Commonwealth, should be favored. To that end, whenever opportunity offered to obtain good recruits for the army from among persons desiring to come hither to aid the defence and to enjoy the blessings of a free government, I have always accepted them.

But the whole number thus obtained during the past year, (of course not including previous and permanent residents of foreign birth who may have volunteered,) is but nine hundred and seven (907) out of the whole aggregate of

recruits exhibited by the preceding statement. These are divided among four regiments, and include some of their best soldiers.

Up to December 22, 1864, the whole number of colored troops which have been credited to Massachusetts, during the war, including the Fifty-Fourth Infantry, Fifty-Fifth Infantry, Fifth Cavalry, and their recruits, is only 4,731.* The whole number of foreign recruits introduced to our credit, is 907. If we add to these the number of men in the Veteran-Reserve Corps and Regular Army enlisted to our credit, 5,034, we shall have an aggregate of only 10,672—of whom many were proper citizens or residents of Massachusetts—the enlistment of whom to the credit of this Commonwealth has been made the occasion of criticism or complaint, though scarcely by any who entertain a cordial sympathy with the army of the Union, the policy of the Government, or the traditional doctrines of Massachusetts.

These all have been enlisted under the regulations of the Department of War. If our bounties have been paid to secure the re-enlistment of Regulars and members of the Veteran-Reserve Corps, it is because it was the policy of the United States, as disclosed in regulations of the War Department, to obtain them, a policy not suggested by the State Government of Massachusetts. If we have accepted colored volunteers—who have come to Massachusetts for the purpose of becoming soldiers—and turned them over as soldiers to the United States, it is because when we began to accept them, and until we had raised the equivalent of two regiments, no other opportunity for them existed in the country. We believed in colored men—others did not. We obtained permission to try them. *We assumed the hazards of the*

* 54th Regiment Infantry, originally,	1,029
55th Regiment Infantry, originally,	1,023
5th Regiment Cavalry, originally,	1,016—3,068
54th Regiment Infantry, subsequent recruits,	112
55th Regiment Infantry, subsequent recruits,	79
5th Regiment Cavalry, subsequent recruits,	301— 492
Bands,	125
Enlisted at Fortress Monroe,	88
Enlisted in Rebel States under law of July 4, 1864,	958— 1,171
	<hr/> 4,731

Up to the close of the year 1864 the Provost-Marshal-General of the Commonwealth had received additional returns of enlistments in rebel States, for Massachusetts, (under General Order No. 227 of War Department,) increasing that aggregate from 958 to 1,214, with informal notice of 175 more.

enterprise, but the Country reaps the reward of its brilliant and assured success.

Passing from the military to the fiscal contributions of our Commonwealth to the Union, Massachusetts, although thirty-third in area, and by the census of 1860, seventh in population and seventh in wealth, among the States, yet in the fiscal year 1862-3 was third, and in 1863-4 was fourth* in the

* In 1860 the population of Virginia, exclusive of West Virginia, 1,246,690; Kentucky, 1,155,684; Missouri, 1,182,012; Tennessee, 1,109,801, and Indiana, 1,350,428, differed little from the population of Massachusetts, 1,231,066. The valuation of property in these States by the census of that year, was also near enough to complete that additional element for a comparison of their relative pecuniary contributions to the General Government; but by reason of the disturbed domestic condition of many of them, Indiana and Kentucky remain the only ones with which such a comparison may now fairly be made. In the following table Illinois also is included in the comparison, although its population and valuation are far in excess of those of Massachusetts.

	1860.		1863-64.		
	Popula- tion.	Property.	Collections. Int. Rev.	Income Tax.	Distil'd Spirits, Excise.
Massachusetts, .	1,231,066	\$769,651,672	\$11,160,652 16	\$1,904,732 03	\$783,509 64
Illinois, .	1,711,951	904,182,620	9,756,491 37	586,435 00	7,262,433 15
Indiana, .	1,350,428	624,800,849	3,257,401 64	263,936 98	2,084,442 06
Kentucky, .	1,155,684	757,378,457	3,799,589 52	352,775 44	1,157,364 13

Thus, leaving out of consideration the internal revenue from banks and minor sources which would swell the disproportion, and confining the estimate solely to internal revenue "collections," these four States stand relatively as follows: Where Illinois pays \$1, Massachusetts pays \$1.14. Where Indiana pays \$1, Massachusetts pays \$3.42. Where Kentucky pays \$1, Massachusetts pays \$2.93. And if we leave out of consideration the excise on distilled spirits, and base the comparison on the other sources of "collections," it then stands as follows: Where Illinois pays \$1, Massachusetts pays \$4.16. Where Indiana pays \$1, Massachusetts pays \$8.84. Where Kentucky pays \$1, Massachusetts pays \$3.92.

The three States which in 1864 surpassed Massachusetts in the total amount of internal revenue paid by them, are compared as follows: and as Illinois is the fifth State, Indiana the sixth, and Kentucky the seventh, in the order of payments, following directly after Massachusetts, the fourth, the two tables combined illustrate the relative position of Massachusetts among these States in this regard.

	1860.		1863-64.		
	Popula- tion.	Property.	Collections Int. Rev.	Income Tax.	Distil'd Spirits Excise.
New York, .	3,880,735	\$2,316,743,547	\$24,636,050 77	\$4,918,369 67	\$5,986,255 30
Pennsylvania, .	2,906,215	1,659,208,924	12,960,482 79	2,035,166 03	2,194,425 94
Ohio, .	2,339,511	1,269,256,606	11,791,333 68	1,117,691 18	6,442,408 03
Massachusetts, .	1,231,066	769,651,672	11,160,652 16	1,904,732 03	783,509 64

All the figures used in these statistics are furnished to me from the Internal Revenue Bureau at Washington, unless otherwise expressly stated.

amount of internal revenue paid by her to the United States, being surpassed in the former year only by New York and Pennsylvania, and in the latter year only by New York, Pennsylvania, and Ohio. Excluding the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, and Texas, from the comparison, the percentage of the population, property, internal revenue collections, and income tax of Massachusetts, on the aggregate of all the other States and the Territories and District of Columbia, is as follows:

	Population.	Property.	Collections.	Income Tax.
Per cent.	4.7811	5.1676	10.9166	12.7671

By this relative test of percentages, which is the critical test, Massachusetts, thirty-third in area, seventh in population, and seventh in wealth among the States, is *second* in her proportional contribution to the internal revenue of the General Government, being surpassed, in this test, only by her sister and neighbor, Rhode Island.

Nor does the gross sum of \$11,160,652.16, arising from internal revenue collections, represent all the internal revenue contribution of Massachusetts in the year 1863-4. Additional to this, is the internal revenue to the United States from taxes on her banks and from minor sources, \$979,748.46. And beside this, is her proportion of the tax on Federal salaries, the total of which tax for all the States, for 1863-4, was \$1,705,124.63, and also her proportion of purchases of internal revenue stamps, the sales of which, during the same period, amounted to \$5,894,945.14. A fair allowance for these would swell her internal revenue payments, during the last fiscal year, (June 30, 1863,—June 30, 1864,) to more than *fourteen millions of dollars*.

The fidelity with which her people have responded to these taxes, I venture to assert, is unsurpassed in the history of the world. The proportion of the internal revenue collections to the assessments, in every district of Massachusetts, exceeds 99 50-100 per cent.; and in most of the districts it exceeds 99 80-100 per cent. *

* The following statistics are furnished to me by the courtesy of the Collectors of Internal Revenue of the respective Revenue Districts, which correspond in their boundaries to the Congressional Districts. The original internal revenue law went into operation September 1, 1862:

No. of District.	Assessments Sept. 1, 1862, to Aug. 1, 1864.	Collections on these assessments.
I.	\$1,152,785 45	\$1,151,435 33
II.	1,848,936 35	1,848,135 14

Making allowance for incorrect assessments, subsequently abated or annulled, and for absolutely uncollectable assessments upon the lowest class of liquor retailers, the internal revenue collections for Massachusetts substantially correspond, dollar for dollar, with the assessments, and this not by restraint, not by force, not by terror, but by the cheerful alacrity of the whole people of the Commonwealth to lavish their money as they lavish their blood, for the cause of Order, and Union, and Liberty.

Nor has the necessity of these extraordinary exertions to support the military and financial wants of the Nation, shaken the persistent courage or fidelity of her people. In the election of November they pronounced the collective will of Massachusetts at the polls. They declared her understanding of the issue in controversy, and her purpose to stand by the cause of Union and of Liberty until the prophecies of the National heart shall be fulfilled. Of a popular vote of 175,487, she gave to ABRAHAM LINCOLN, as the candidate who represented her own traditions and spirit, as well as her hope of a future for the Nation and for the People, a popular majority of 77,992. His purpose to stand by the Proclamation of Liberty finds a response in nearly all hearts, and is echoed by the overwhelming acclamation of her daughters and her sons. Nor will they "bate one jot of heart or hope" until the war shall "cease on the part of the Government *when it shall have ceased on the part of those who began it.*" *

No. of District.	Assessments Sept. 1, 1862, to Aug. 1, 1864.	Collections on these assessments.
V.	\$1,597,895 66	\$1,590,680 89
VI.	2,392,002 41	2,389,273 04
VII.	1,825,205 81	1,822,346 90
VIII.	2,385,080 88	2,382,246 20
IX.	1,055,590 78	1,047,571 71
X.	1,704,760 74	1,700,845 05

From Districts Nos. 3 and 4,—the two Boston districts,—I have not full statistics. I am informed, however, by their Collectors, that the percentages of collections to assessments, exceed in them, as in the others, 99 50-100. In the foregoing figures, the totals for some of the Districts,—as for instance the 5th, 9th, and 10th,—include all the assessments, correct and incorrect. Deducting incorrect assessments, the percentage of collections in those districts would be equal to the percentage in the other districts, as for instance in the 1st and 2d, in whose totals such deductions are made.

* See closing sentence of the President's Message to Congress of Dec., 1864.

AMENDMENTS OF THE FEDERAL CONSTITUTION.

The proposal to amend the Federal Constitution by empowering Congress to abolish slavery is urged by the President, in his last annual message, upon the reconsideration of the House of Representatives. In the Senate it has received the needful two-thirds majority. In the House it barely failed. It is hoped that reconsideration may disclose a change of votes, and establish the adoption by the present Congress of a measure which will ultimately extinguish slavery and prohibit it forever.

If this shall be done, it will be the welcome duty and the lasting honor of the present General Court to ratify the amendment on the part of Massachusetts. If it shall fail, I trust the President will promptly call a special session of the new Congress, by which its adoption may be considered certain. It would well become the Legislature of this Commonwealth, in such an emergency, by solemn resolution, to request the President to convene Congress for a duty so grand in purpose, as well as practical in character and exigent in importance.

I venture also to suggest the proposition of an amendment to the Federal Constitution, *repealing its inhibition of duties on exports*. A moderate tax on the exportation of cotton, and perhaps of some other articles, might be levied by Congress, which would materially increase the national revenue, without diminishing the production or sale of those articles; while at the same time indirectly promoting their manufacture at home, and thus strengthening the country in its competition against other nations in the markets of the world.

Had the rebellion been successful, the Southern policy would have been to impose a light revenue duty on exports, (which would have affected the Northern as well as the European buyers,) and also to impose a greatly reduced duty on European manufactures. Thus on introduction of foreign manufactured goods into the South, they hoped by discriminating against our manufactures, and by controlling seven-eighths of the navigable rivers of the continent, and of their reach into the interior, to smuggle foreign goods into the West and the North-west, despite the laws of the United States—with the intent to disintegrate the free States, to break down American manufactures, discourage skilled, intelligent labor, and reduce the laboring classes, by measures alike audacious and insidious, to the dependence held by the slave-power appropriate for the masses of men.

I desire to see not only Slavery extirpated, but its policy reversed, and an American policy inaugurated which will secure at once the freedom of the People, the strength of the Government, and the independence of American industry.

The statesmanship of the future gives cause for more anxiety than any military concern of the present. How to combine the austerity of a government determined to vindicate its rightful power, with the parental forbearance which discriminates those who are swept into the current of treason from those who are the wanton architects of ruin; this is one of the problems. For myself, I would counsel forgiveness to the masses of our countrymen, hurried, precipitated by a superior power dominating their intelligence and their capacity of resistance, into the vortex of a ruin they neither foresaw nor even yet comprehend. Misguided, cheated, conscribed, overwhelmed, they have been led to battle by the light of their blazing homes. They have perilled their own lives while they have assailed ours, without comprehending the occasion of the war, and without the ability to avoid it. Victims of an evil, subjects of a wrong which involved their own fate, they were unable to escape its meshes or to resist its power. Let the people of Massachusetts remember that the poor oppressed democracy of Georgia and the Carolinas are their brethren. We fight to carry the school-house, the free press, the free ballot and all the independent manhood of our own New England liberty to the people of the slavery-ridden South. Delivering them from the domination of their oppressors,—as Maryland has just now delivered herself,—let them enjoy with us the fruit and the feast of victory. Nor let sentimental politics surrender either them, or the black man, with whom they have shared the voiceless woe of his servitude, or the country on whose fate our own depends, to the possibilities of any reactionary theory. So, too, let the color of an African extraction, so long the badge of Slavery, cease to be the badge of exclusion from any of the privileges of citizenship. Let intelligent manhood enjoy that recognition and reap its due reward. Then we will restore government, order and society. Then we will reconstruct the States in rebellion, on a ground of principle and faith which will command the friendship of the Nations, the sympathy of mankind, and the benediction of God.

THE old Hall of the House of Representatives at Washington, with which is associated the fame, the wisdom and the eloquence of so many American statesmen, has been set

apart by Congress* for a National Gallery of Statuary, commemorative of citizens illustrious for their historic renown or distinguished civic or military service, whose careers on earth have ended. Each State will be invited to furnish two statues in marble or bronze. Many years will elapse before this gallery of historic art will be complete. But there are already names, ample in number, belonging to history, and forming a part of the renown of our ancient Commonwealth—venerable names of men over whose graves retreating Time has long cast his shadow, and of whom such monumental commemoration would be worthy and becoming. I respectfully recommend the appointment of a Commission, to report during the present session a plan of coöperation on the part of Massachusetts in this eminently patriotic, national design.

If these honors are paid to the heroes and sages of the past, what commemoration awaits those who in this generation shall command the gratitude of posterity!

In the vestibule of the Capitol of the Commonwealth you passed to this hall of your deliberations, beneath a hundred battle-flags, war-worn, begrimed and bloody. They are sad, but proud memorials of the transcendent crime of the Rebellion, the curse of Slavery, the elastic energy of a free Commonwealth, the glory and the grief of War.

There has been no loyal army, the shout of whose victory has not drowned the dying sigh of a son of Massachusetts. There has been no victory gained which her blood has not helped to win. Since the War began, four hundred and thirty-four officers whose commissions bore our seal, or who were promoted by the President to higher than regimental commands, have tasted death in the defence of their Country's flag. The names of nine General officers, sixteen Colonels, seventeen Lieutenant-Colonels, twenty Majors, six Surgeons, nine Assistant-Surgeons, two Chaplains, one hundred and ten Captains, and two hundred and forty-five Lieutenants, illustrate their Roll of Honor.† Nor will the history be deemed complete, nor our duty done, until the fate and fame of every man—to the humblest private of them all—shall have been inscribed upon the records of this Capitol,—there to remain, I trust, until the earth and sea shall give up their dead. And thus shall the Capitol itself become for every soldier-son of ours, a monument.

* Act of 2d July, 1864, Chapter 210, Section 2.

† A list of these in detail, is subjoined, in Appendix, [H.]

" Nothing is here for tears, nothing to wail
 Or knock the breast, no weakness, no contempt,
 Dispraise or blame, nothing but well and fair,
 And what may quiet us in a death so noble.

* * * * *

Then plant it round with shade
 Of laurel ever green, and branching palm,
 With all his trophies hung, and acts enroll'd
 In copious legend, or sweet lyric song.
 Thither shall all the valiant youth resort,
 And from his memory inflame their breasts
 To matchless valor, and adventures high :
 The virgins also shall on feastful days
 Visit his tomb with flowers."

GENTLEMEN OF THE SENATE, AND
 OF THE HOUSE OF REPRESENTATIVES :—

Standing, probably for the last time, before the General Court of Massachusetts, to assume the office of her chief executive magistrate, I cannot repress my gratitude for the opportunity I have enjoyed of serving her, at a period so stirring to the heart, when every duty is sublime ; and for the generous indulgence of her People toward my efforts for the welfare and glory of the State.

And whatever may hereafter betide or befall me or mine,
 MAY THE GOD OF OUR FATHERS PRESERVE OUR COMMONWEALTH!

A P P E N D I X .

[A.]

*Resources and Liabilities.**Liabilities on account of Railroad Corporations.*

Western Railroad Corporation,	. \$3,999,555	56
Eastern Railroad Corporation,	. 500,000	00
Norwich Railroad Corporation,	. 400,000	00
Southern Vt. R. R. Corporation,	. 200,000	00
Troy and Greenfield R. R. Corp'n,	. 1,474,880	00
	<hr/>	\$6,574,435 56

State Funded Debt.

Lunatic Hospital Scrip—

1852, due 1865,	. \$100,000	00
1853, due 1865,	. 70,000	00
1854, due 1874,	. 94,000	00—\$264,000 00

State Almshouse Scrip—

1852, due 1872,	. \$100,000	00
1853, due 1873,	. 60,000	00
1854, due 1874,	. 50,000	00— 210,000 00

State House Scrip—

1853, due 1873,	. \$65,000	00
1854, due 1874,	. 100,000	00— 165,000 00

Six per cent. Scrip—

1856, due 1862,	. \$1,000	00
1856, due 1866,	. 100,000	00— 101,000 00

Lunatic Hospital Scrip—

1857, due 1868,	. \$150,000	00
1857, due 1877,	. 50,000	00— 200,000 00

Consolidation of Statutes Scrip—

1868, due 1870,	150,000 00
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Five per cent. Scrip—

1861, due 1868,	. \$15,000	00
1861, due 1870,	. 21,000	00
1861, due 1872,	. 17,000	00— 53,000 00

Six per cent. Scrip—

1861, due 1868,	. \$75,000	00
1861, due 1870,	. 89,000	00
1861, due 1872,	. 83,000	00— 247,000 00

Union Fund Loan Scrip—

1861, due 1871,	. \$205,000	00
1861, due 1872,	. 341,000	00
1861, due 1873,	. 304,000	00
1861, due 1874,	. 300,000	00
1861, due 1875,	. 420,000	00
1861, due 1876,	. 1,430,000	00
1862, due 1877,	. 400,000	00
1862, due 1878,	. 200,000	00
	<hr/>	\$3,600,000 00

Bounty Fund Loan Scrip—

1863, due 1894,	. \$200,000	00
1864, due 1894,	. 1,500,500	00
	<hr/>	1,700,500 00

Coast Defence Loan Scrip—

1863, due 1883,	. \$388,000	00
1864, due 1883,	. 500,000	00
	<hr/>	888,000 00

Back Bay Loan—

1862-63, due 1880,	. . .	220,000 00
	<hr/>	\$14,372,935 56

Floating Debt.

Temporary Loans due sundry Banks, \$3,150,750 00

Deposit Loans due		
Savings Banks,	. \$260,500	00
Deposit Loans due		
Individuals,	. 3,317,818	00
Deposit Loans due		
sundry Funds,	. 1,108,969	00
	<hr/>	4,687,287 00

Cash deposits by towns and individuals on account of recruits, . . . 265,000 00

Outstanding claims for the quarter ending Dec. 31, 1864, estimated, . . . 200,000 00

Outstanding claims for monthly pay of soldiers, 218,000 00

8,521,037 00

Total liabilities, \$22,893,972 56

Resources.

Loans to Railroad Corporations—

Mort'ge W. R. R. Co's entire property,	\$3,999,555 56
Mortgage E. R. R. Co's entire property,	500,000 00
Mortgage N. and W. R. R. Company's	
entire property,	. 400,000 00
Troy and Greenfield R. R. entire pr'ty,	1,474,880 00
Sinking Fund T. and G. R. R.,	. 79,218 00
Southern Vt. R. R. Co's entire prop'ty,	200,000 00
	<hr/>
	\$6,653,653 56

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For Funded Debt.

Debt Extinguishment Fund,*	\$1,157,400 00
Union Loan Sinking Fund,*	2,441,093 00
Alms-house Loan Sinking Fund,*	94,393 00
Back Bay Lands F'd, \$376,761 00*	
B. Bay Lands unsold, 2,000,000 00†	
	<hr/>
	2,376,761 00
Bounty Loan Sinking Fund,	38,580 00
Balance of claim against the U. S.,‡ 1,907,413 41	
	<hr/>
	\$8,015,646 41
Unproductive property,	3,187,917 33
	<hr/>
Total resources,	\$17,857,211 30
(Exclusive of School and other Trust Funds, which amount to \$2,131,326.)	

[B.]

Revenue Receipts, 1864.

State Tax,	\$2,263,287 00
Bank Tax,	630,729 06
Savings Bank Tax,	452,399 29
Semi-annual Insurance Tax,	101,565 18
Annual Insurance Tax,	26,736 41
Premium of sale of Scrip,	126,275 33
Corporation Tax,§	1,718,948 45
Miscellaneous,	520,376 89
	<hr/>
	\$5,840,317 61

Payments or Disbursements, 1864.

Executive Department,	\$31,354 75
Secretary's Department,	21,675 33
Treasurer's Department,	19,765 09
Auditor's Department,	8,761 35
Attorney-General's Department,	17,272 36
Bank Commissioners,	8,170 01
Insurance Commissioners,	6,268 91
Agricultural Department,	43,985 14
Sergeant-at-Arms' Department,	16,292 96
Judiciary Department,	154,248 90
Legislative Department,	231,099 81
Adjutant, Quartermaster, and Surgeon-General's Departments,	412,714 37

* Market value.

† Commissioners' estimate; the amount, if realized, to be added to the Bounty Loan Sinking Fund, per Acts 1864, chap. 313, sect. 3.

‡ This amount, when paid, is to be added to the Union Loan Sinking Fund, per Acts 1861, chap. 209, sect. 1.

§ A very large portion of this tax is to be refunded to the several cities and towns of the Commonwealth, as soon as the accounts can be made up.

State aid, &c., to Soldiers, . . .	\$2,367,278	28
Charitable,	349,871	89
Correctional,	185,683	08
Miscellaneous,	327,972	83
Interest,	463,564	70
Premium on coin,	436,278	19
	<hr/>	<hr/>
		\$5,102,257 95
Excess of receipts,		\$738,059 66

[C.]

Detailed Statement of Men furnished by Massachusetts, as recapitulated in the Governor's Annual Address of January, 1864.

Three Years Men, Previous to the Call of July, 1862.

1st Regiment Infantry, 1861,	1,047
2d Regiment Infantry, 1861,	1,046
7th Regiment Infantry, 1861,	1,046
9th Regiment Infantry, 1861,	1,047
10th Regiment Infantry, 1861,	1,047
11th Regiment Infantry, 1861,	1,050
12th Regiment Infantry, 1861,	1,055
13th Regiment Infantry, 1861,	1,021
14th Regiment Infantry, 1861,	1,305
15th Regiment Infantry, 1861,	1,040
16th Regiment Infantry, 1861,	1,003
17th Regiment Infantry, 1861,	951
18th Regiment Infantry, 1861,	1,012
19th Regiment Infantry, 1861,	852
20th Regiment Infantry, 1861,	762
21st Regiment Infantry, 1861,	1,007
22d Regiment Infantry, 1861,	1,050
23d Regiment Infantry, 1861,	1,062
24th Regiment Infantry, 1861,	989
25th Regiment Infantry, 1861,	1,032
26th Regiment Infantry, 1861,	1,050
27th Regiment Infantry, 1861,	983
28th Regiment Infantry, 1861,	950
29th Regiment Infantry, 1861,	881
30th Regiment Infantry, 1861,	929
31st Regiment Infantry, 1861,	941
1st Battery Artillery, 1861,	170
2d Battery Artillery, 1861,	152
3d Battery Artillery, 1861,	157
4th Battery Artillery, 1861,	154
5th Battery Artillery, 1861,	156
6th Battery Artillery, 1861,	139
7th Battery Artillery, 1861,	152
8th Battery Artillery, 1861,	155

Cavalry, 1861,	1,857
Sharpshooters, 1861,	208
Recruits up to August, 1862,	2,279
Co. "B," 40th N. Y. Volunteers,	101
Co. "H," 1st Excelsior Brigade,	89
Co. "D," 5th Excelsior Brigade,	90
Men in Union Coast Guard,	233

 32,250
Three Years Men, under the Call of July, 1862.

32d Regiment Infantry, 1862,	1,018
33d Regiment Infantry, 1862,	942
34th Regiment Infantry, 1862,	1,027
35th Regiment Infantry, 1862,	1,018
36th Regiment Infantry, 1862,	1,015
37th Regiment Infantry, 1862,	979
38th Regiment Infantry, 1862,	1,018
39th Regiment Infantry, 1862,	987
40th Regiment Infantry, 1862,	992
41st Regiment Infantry, 1862,	1,127
9th Battery Artillery, 1862,	152
10th Battery Artillery, 1862,	156
1st Company Artillery, 1862, (Cabot's Battalion,)	147
2d Company Artillery, 1862, (Cabot's Battalion,)	140
3d Company Artillery, 1862, (3d Reg't Heavy Artil'y,)	156
Recruits from August, 1862, to May 19, 1863,	5,209

 Total, 16,083
Nine Months Men.

3d Regiment Infantry,	1,007
4th Regiment Infantry,	982
5th Regiment Infantry,	997
6th Regiment Infantry,	913
8th Regiment Infantry,	962
42d Regiment Infantry,	998
43d Regiment Infantry,	1,024
44th Regiment Infantry,	1,023
45th Regiment Infantry,	1,005
46th Regiment Infantry,	983
47th Regiment Infantry,	1,024
48th Regiment Infantry,	996
49th Regiment Infantry,	948
50th Regiment Infantry,	964
51st Regiment Infantry,	961
52d Regiment Infantry,	940
53d Regiment Infantry,	958
11th Battery Light Artillery,	152

 Nine months men, 16,837

Reduced to three years by dividing by 4, 4,209

Additional Three Years Men, up to October 17, 1863.

2d Regiment Cavalry,	1,190
New Battalion for 1st Regiment Cavalry,	60
2d Regiment Heavy Artillery,	1,073
4th Unattached Company Heavy Artillery,	152
5th Unattached Company Heavy Artillery,	144
6th Unattached Company Heavy Artillery,	133
7th Unattached Company Heavy Artillery,	178
8th Unattached Company Heavy Artillery,	135
9th Unattached Company Heavy Artillery,	141
10th Unattached Company Heavy Artillery,	132
54th Regiment Infantry,	1,029
55th Regiment Infantry,	1,023
12th Battery Light Artillery,	135
13th Battery Light Artillery,	147
15th Battery Light Artillery,	172
Recruits for old Regiments and Companies,	509

4 Regiments and 11 Co.'s, and Recruits for three years, 6,353

RECAPITULATION.

Three years men raised before the call of July, 1862,	32,250
Under the call of July, 1862,	16,083
16,837 9 m'ths men, equal, when reduced to 3 ye's men, to	4,209
Volunteers enlisted and mustered between January 1, 1863, and October 17, 1863,	6,353

Total, according to last Annual Address, 58,895

Detailed Statement of Men furnished by Massachusetts, in addition to those included in the foregoing Recapitulation.

2d Regiment Heavy Artillery, (additional.)	788
3d Regiment Heavy Artillery, (additional.)	358
1st Regiment Cavalry, (new battalion,) (additional,)	360
4th Regiment Cavalry,	1,001
5th Regiment Cavalry, (colored,)	1,016
56th Regiment Infantry,	965
57th Regiment Infantry,	924
58th Regiment Infantry,	845
59th Regiment Infantry,	947
11th Battery Light Artillery, (re-enlisted,)	155
14th Battery Light Artillery,	147
16th Battery Light Artillery,	149
Men enlisted at Fortress Monroe, by Capt. Wilder,	88
Band for 3d Brigade, 1st Division, 6th Corps,	16
Band for 2d Brigade, 1st Division, 2d Corps,	16
Band for 3d Brigade, 2d Division, 2d Corps,	15
Band for 1st Brigade, 1st Division, 2d Corps,	16
Band for 2d Brigade, 3d Division, 6th Corps,	15
Band for 3d Brigade, 1st Division, 12th Corps,	15

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Band for Corps d' Afrique, No. 1,	16
Band for Corps d' Afrique, No. 2,	16

7,868

United States Provost-Marshall's enlistments for old organizations from October 17, 1863, to January 1, 1864—

First District,	10
Third District,	67
Fourth District,	35
Fifth District,	46
Sixth District,	42
Seventh District,	55
Eighth District,	44
Ninth District,	101
Tenth District,	19—
	419

Product of draft of July, 1863—

Conscripts,	743
Substitutes,	2,325
Paid commutation,	3,622—
	6,690

Veteran Reserve Corps and United States Regulars,	3,167
Recruits for old organizations,	5,428

Re-enlisted Veteran Volunteers—

1st Regiment Infantry,	16
2d Regiment Infantry,	155
7th Regiment Infantry,	62
9th Regiment Infantry,	25
10th Regiment Infantry,	146
11th Regiment Infantry,	98
12th Regiment Infantry,	16
13th Regiment Infantry,	21
14th Regiment Infantry, (1st Hea. Art.,)	532
15th Regiment Infantry,	64
16th Regiment Infantry,	96
17th Regiment Infantry,	184
18th Regiment Infantry,	139
19th Regiment Infantry,	160
20th Regiment Infantry,	173
21st Regiment Infantry,	237
22d Regiment Infantry,	83
23d Regiment Infantry,	232
24th Regiment Infantry,	415
25th Regiment Infantry,	423
26th Regiment Infantry,	546
27th Regiment Infantry,	338
28th Regiment Infantry,	157
29th Regiment Infantry,	149
30th Regiment Infantry,	357
31st Regiment Infantry,	330
32d Regiment Infantry,	360
1st Regiment Cavalry,	187

1st Regiment Cavalry, (Indep't Batt'n,)	47	
1st Regiment Cavalry, (Indep't Batt'n,)	86	
1st Battalion Heavy Art'y, (Ft. Warren,)	60	
1st Battery Light Artillery, . . .	33	
2d Battery Light Artillery, . . .	23	
3d Battery Light Artillery, . . .	38	
4th Battery Light Artillery, . . .	93	
5th Battery Light Artillery, . . .	43	
6th Battery Light Artillery, . . .	56	
7th Battery Light Artillery, . . .	19	
10th Battery Light Artillery, . . .	3—	6,202
Men in Navy whose names were borne upon the enrolment lists, and who were credited by the United States'		
Provost-Marshal-General, prior to February 24, 1864, .		1,526
Enlistments in Navy from February 24, 1864, to July 1, 1864, credited as above,		948
Gallop's Island—Recruits for old organizations—		
For the month of July, 1864, . . .	805	
For the month of August, 1864, . . .	1,037	
For the month of September, 1864, . . .	1,141	
For the month of October, 1864, . . .	221	
For the month of November, 1864, . . .	469	
3d Regiment Heavy Artillery, Sept. 17, (additional,)	146	
4th Regiment Heavy Artillery, . . .	1,660	
29th Unattached Co. Heavy Artillery, . . .	147	
30th Unattached Co. Heavy Artillery, . . .	146	
61st Regiment Infantry,	573—	6,345
Enlistments in Rebel States, under Act of July 4, 1864—		
White men,	68	
Colored men,	770—	838
Enlistments in Navy from July 1st to December 1st, . . .		1,935
Credits by Naval Commissioners,		16,625
Enlistments in Veteran Reserve Corps from July 1st to		
December 1st, 1864,		1,002
Enlistments in United States Regulars from July 1st to		
December 1st, 1864,		865
Enlistments in Marine Corps from July 1st to Dec. 1st, '64, . . .		62
Draft, May and June, 1864,		2,056
Draft, substitutes for enrolled men,		3,130
Six unattached companies of Infantry for one year's service, viz.: the 2d, 17th, 19th, 20th, 21st and 25th, . . .		573
Enlistments from Dec. 1 to Dec. 22, 1864, namely:		
Enlistments by Provost-Marshal-General of State—		
White men,	42	
Colored men,	188	
Number of men reported to Provost-Marshal-General of State as having been		
mustered, but rolls not received,		129

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Gallop's Island, recruits for old organiza-	484	
tions,	20—	863
Naval enlistments,		
		<hr/> 66,542

	Total.	Included in previous credits.	Additional.
New Battalion for 1st Regiment Cavalry, . . .	420	60	360
4th Regiment Cavalry,	1,001	-	1,001
5th " " " " " " " " " "	1,016	-	1,016
2d Regiment Heavy Artillery,	1,861	1,073	788
3d* " " " " " " " " " "	1,379	875	504
4th " " " " " " " " " "	1,660	-	1,660
29th " " " " unattached comp'y,	} 293	-	293
30th " " " " " " " " " "			
11th Battery Light Artillery, (re-enlisted,) .	155	-	155
14th " " " " " " " " " "	147	-	147
16th " " " " " " " " " "	149	-	149
56th Regiment Infantry,	965	-	965
57th " " " " " " " " " "	924	-	924
58th " " " " " " " " " "	845	-	845
59th " " " " " " " " " "	947	-	947
61st " " " " " " " " " "	573	-	573
Six unattached Companies Infantry,	573	-	573
Men enlisted at Fortress Monroe in 1863, . .	88	-	88
Veteran Reserve Corps and U. S. Regulars, .	5,034	-	5,034
Recruits for old organizations,	9,101	-	9,101
Re-enlisted Veterans,	6,202	-	6,202
Enlistments by Provost-Marshal's,	1,257	-	1,257
Draft of July, 1863,	6,690	-	6,690
Draft of May and June, 1864,	2,056	-	2,056
Substitutes for Enrolled Men,	3,130	-	3,130
Bands,	125	-	125
Enlistments in Dec., 1864, up to Dec. 22, . .	863	-	863

Total furnished for the army, during the last year, . . .	45,446
Naval enlistments, determined by the Naval Commission, . . .	16,625
Other naval enlistments credited during the year, . . .	4,409
Marine Corps,	62

Total of new credits,	.	.	.	.	.	.	66,542
Total of old credits, which, reduced to the three years'							
standard, were	.	.	.	.	.	.	58,895
							<hr/>
							†125,437

* Formed from twelve unattached companies; namely, the Third, and Sixth to Sixteenth, inclusive.

† See also table in Appendix, [D.]

Unattached Companies in Service of United States for Ninety (90) Days.

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ORGANIZATION.	Name of Commander.	Date of Muster.	NUMBER.		Aggregate.
			Commiss'd Officers.	Enlisted Men.	
1st Company Infantry,	Captain Lewis J. Bird, . .	Apr. 29, 1864, .	3	95	98
2d " "	" Francis E. Porter, . .	May 3, " .	3	84	87
3d " "	" Luther Dame, . .	" 3, " .	3	82	85
4th " "	" Alpheus J. Hilbourn, .	" 3, " .	3	96	99
5th " "	" David H. Dyer, . .	" 4, " .	3	98	101
6th " "	" Charles P. Winslow, .	" 4, " .	3	80	83
7th " "	" Albert E. Proctor, . .	" 4, " .	3	83	86
8th " "	" Augustine L. Hamilton, .	" 10, " .	3	94	97
9th " "	" George H. Smith, . .	" 10, " .	3	83	86
10th " "	" George A. Perry, . .	" 10, " .	3	97	100
11th " "	" Jeremiah C. Bacheller, .	" 16, " .	3	90	93
12th " "	" Charles F. Walcott, . .	" 16, " .	3	98	101
13th " "	" Robert W. Reeves, . .	" 16, " .	3	90	93
Totals, . . . . .	. . . . .	. . . . .	39	1,170	1,209

[F.] *Regiments and Companies in Service of United States for One Hundred Days.*

ORGANIZATION.	Name of Commander.	Date of Muster.	NUMBER.		Aggregate.
			Commiss'd Officers.	Enlisted Men.	
5th Regiment Infantry, . . .	Colonel George H. Pierson, . .	July 28, 1864, .	30	886	916
6th " . . .	" A. S. Follansbee, . .	" 20, " .	36	944	980
8th " . . .	" Benjamin F. Peach, .	" 26, " .	30	860	890
42d " . . .	" Isaac S. Burrill, . .	" 22, " .	35	906	941
60th " . . .	" Ansel D. Wass, . .	" - " .	30	878	908
15th Unattached Company Infantry, .	Captain Isaac A. Jennings, .	July 29, 1864, .	3	88	91
16th " . . .	" John F. Croff, . .	Aug. 6, " .	3	83	86
17th " . . .	" John G. Barnes, . .	" 5, " .	3	98	101
18th " . . .	" Otis A. Baker, . .	" 6, " .	3	82	85
19th " . . .	" James M. Mason, . .	" 9, " .	3	80	83
20th " . . .	" Lewis Soule, . .	" 11, " .	3	87	90
21st " . . .	" David H. Dyer, . .	" 11, " .	3	98	101
22d " . . .	" John W. Marble, . .	" 18, " .	3	85	88
23d " . . .	" Jabez M. Lyle, . .	" 18, " .	3	98	101
Totals, . . .	. . .	. . .	188	5,273	5,461

[G.]

Statement showing the actual number of Men furnished by Massachusetts for the service of the United States for the several terms of service :

ORGANIZATIONS, TERMS, &c.	Number.	Aggregate.
<i>Three Months' Service, 1861.</i>		
Four (4) regiments Infantry, }	. . .	3,736
One (1) battalion Riflemen, }		
One (1) battery Light Artillery, }		
<i>Three Years Men in Army.</i>		
Forty (40) regiments Infantry, }	54,187	
Five (5) regiments Cavalry, }		
Three (3) regiments Heavy Artillery, }		
One (1) battalion Heavy Artillery, }		
Sixteen (16) batteries Light Artillery, }		
Two (2) companies Sharpshooters, }	26,091	
Recruits, including drafted men, for above organizations,		
Men for Regular Army, Veteran Reserve Corps and other organizations,	9,790	96,270
Re-enlistments in State organizations,	6,202	
<i>One Year Men in Army.</i>		
One (1) regiment Infantry, (6 companies,) }	. . .	3,099
One (1) regiment Heavy Artillery, }		
Eight (8) unattached Companies, }		
<i>Nine Months Men.</i>		
Seventeen (17) regiments Infantry, . . . .	. . .	16,685
<i>One Hundred Days Men.</i>		
Five (5) regiments Infantry, }	. . .	5,461
Nine (9) unattached Companies, }		
<i>Ninety Days Men.</i>		
Thirteen (13) unattached companies Infantry, . . . .	. . .	1,209
<i>Men in Navy.</i>		
Number for one year,	8,074	26,163
" for two years,	3,204	
" for three years,	13,929	
" term not given,	956	
Number enlisted in December, 1864, up to the 22d of the month, . . . . .	. . .	863
		153,486

[H.] *List of Massachusetts Officers who have Died in the Service during the War.*

NAMES.	Rank.	Date.	Remarks.
<i>First Regiment.</i>			
Charles P. Chandler, .	Major, .	June 30, 1862,	Killed, battle of Glendale.
Nell K. Gunn, .	Assist. Surgeon, .	" 3, 1863,	Died, Potomac Creek Hospital, Falmouth, Va.
Charles E. Rand, .	Captain, .	May 2, "	Killed, Chancellorsville, Va.
Moses H. Warren, .	" "	" 12, 1864,	" Spottsylvania, Va.
William H. Sutherland, .	First Lieut., .	June 30, 1862,	" before Richmond, Va.
John M. Mandeville, .	" "	Aug. 30, "	" Bull Run, Va.
Henry Hartley, .	" "	July 2, 1863,	" Gettysburg, Pa.
Elijah B. Gill, Jr., .	Second Lieut., .	" 21, 1861,	" Bull Run, Va.
William H. B. Smith, .	" "	" 18, "	" Blackstone Ford, Va.
<i>Second Regiment.</i>			
Wilder Dwight, .	Lieut. Colonel, .	Sept. 19, 1862,	Died of wound received at Antietam, Sept. 17th.
James Savage, Jr., .	" "	Oct. 22, "	" " Cedar Mountain, Va.
James Wightman, .	Assist. Surgeon, .	June 15, 1863,	Died of disease.
William H. Heath, .	Surgeon, .	Aug. 28, 1864,	" "
Charles R. Mudge, .	Lieut. Colonel, .	July 3, 1863,	Killed, Gettysburg, Pa.
Edward G. Abbott, .	Captain, .	Aug. 9, 1862,	" Cedar Mountain, Va.
Richard Cary, .	" "	" 9, "	" " "
Richard C. Goodwin, .	" "	" 9, "	" " "
William B. Williams, .	" "	" 9, "	" " "
Thomas R. Robeson, .	" "	July 3, 1863,	" Gettysburg, Pa.
Thomas B. Fox, .	" "	" 25, "	Died of wounds received at Gettysburg, Pa.
Stephen G. Perkins, .	First Lieut., .	Aug. 9, 1862,	Killed, Cedar Mountain, Va.
William D. Sedgwick, .	" "	" .	" Antietam, on General Sedgwick's Staff.

Gerald Fitzgerald,	First Lieut.,	May 3, 1863,	Killed, Chancellorsville, Va.
Henry W. D. Stone,	Second Lieut.,	July 3, "	" Gettysburg, Pa.
<i>Seventh Regiment.</i>			
Prentiss M. Whiting,	Captain,	May 4, 1863,	Died of wounds received at Fredericksburg.
Jesse D. Bullock,	First Lieut.,	June 25, 1862,	" " Fair Oaks, Va.
Albert A. Tillson,	"	May 3, 1863,	Killed, Fredericksburg, Va.
Henry W. Nichols,	"	" 12, 1864,	Died of wounds, Spottsylvania, Va.
Peleg Mitchell,	Second Lieut.,	Aug. 10, 1862,	Died.
<i>Ninth Regiment.</i>			
Thomas Cass,	Colonel,	July 12, 1862,	Died, in Boston, of wounds received before Richmond.
Robert Peard,	Lieut. Colonel,	Jan. 27, "	" of disease.
Thomas Mooney,	First Lieut., Q'r,	Mar. 17, 1863,	Accidentally killed at a hurdle race.
William Madigan,	Captain,	June 27, 1862,	Killed, Gaines' Mills, Va.
John Carey,	"	" 27, "	" " "
Jeremiah O'Neil,	"	" 27, "	" " "
James E. McCafferty,	"	" 27, "	" " "
William A. Phelan,	"	May 5, 1864,	" Wilderness, Va.
James W. McNamara,	"	"	Died of wounds received at Wilderness, Va., May 5, 1864.
John H. Rafferty,	First Lieut.,	July 1, 1862,	Killed, Malvern Hill, Va.
Edward McSweeney,	"	" 1, "	" " "
Richard P. Nugent,	"	June 27, "	" Gaines' Mills, Va.
Archibald Simpson,	"	May 5, 1864,	" Wilderness, Va.
Nicholas C. Flaherty,	"	" 5, "	" Wilderness, Va.
Francis O'Dowd,	Second Lieut.,	June 27, 1862,	" Gaines' Mills, Va.
Charles B. McGinniskin,	"	"	Died of wounds received at Wilderness, Va., May 5, 1864.
Philip E. Redmond,	"	Sept. 17, 1863,	" in Hospital at Washington, D. C.
James O'Neil,	"	May 9, 1864,	Killed, Wilderness, Va.

List of Massachusetts Officers who have died in the Service—Continued.

NAMES.	Rank.	Date.	Remarks.
<i>Tenth Regiment.</i>			
Dexter F. Parker, . . .	Major, . . .	. . .	Died of wounds received May 12, 1864.
Ozro Miller, . . .	" . . .	. . .	Deceased.
Elisha Smart, . . .	Captain, . . .	May 31, 1862,	Killed, Seven Pines, Va.
Edwin E. Day, . . .	" . . .	" 31, "	" "
James H. Wetherell, . . .	" . . .	June 20, 1864,	Died.
William A. Ashley, . . .	First Lieut., . . .	May 5, "	Killed, Wilderness, Va.
Edwin B. Bartlett, . . .	" " . . .	" 18, "	" Spottsylvania, Va.
Alanson E. Munyan, . . .	" " . . .	" 21, "	Died of wounds received at Wilderness, Va.
George F. Polley, . . .	" " . . .	. . .	Killed.
Benjamin F. Leland, . . .	Second Lieut., . . .	" 31, 1862,	" Seven Pines, Va.
N. P. A. Blair, . . .	" " . . .	July 11, "	Died at Harrison's Landing, Va.
Alfred E. Midgley, . . .	" " . . .	. . .	" of wounds received at Wilderness, Va., May 5, 1864.
<i>Eleventh Regiment.</i>			
William Blaisdell, . . .	Colonel, . . .	June 23, 1864,	Killed before Petersburg, Va.
George F. Tileston, . . .	Lieut. Colonel, . . .	Aug. 29, 1862,	" Bull Run.
Luther V. Bell, . . .	Surgeon, . . .	. . .	Died in line of duty.
Benjamin Stone, jr., . . .	Captain, . . .	Sept. 10, 1862,	Died of wounds received at Bull Run.
Albert M. Gannell, . . .	" . . .	Dec. 17, 1863,	Killed at Chelsea, Mass., run over by railroad car.
David A. Granger, . . .	" " . . .	Oct. 27, 1864,	Left on field, supposed dead, Petersburg, Va.
Alexander McTavish, . . .	" " . . .	" 27, "	Killed, Petersburg, Va.
Peter T. Goldie, . . .	First Lieut., . . .	Sept. 13, "	Died of wounds.
Thomas G. Bowden, . . .	" " . . .	July 21, 1861,	" Bull Run, Va.
Alonzo Coy, . . .	" " . . .	. . .	"

William R. Porter,	First Lieut.,	Aug. 29, 1862,	Died Bull Run, Va.
John Munn,	" "	May 3, 1863,	" of wounds.
John S. Harris,	" "	" 3, "	" " Chancellorsville, Va.
William B. Morrill,	" "	" "	" of disease.
William B. Mitchell,	Second Lieut.,	July 30, 1863,	" at Mass. General Hospital, Boston.
<i>Twelfth Regiment.</i>			
Fletcher Webster,	Colonel,	Aug. 30, 1862,	Killed, Bull Run, Va.
Elisha M. Burbank,	Major,	Nov. 29, "	Died of wounds received at Antietam, Md.
Albert A. Kendall,	Assist. Surgeon,	Sept. 17, "	Killed at Antietam, Md.
David Allen, jr.,	Lieut. Colonel,	May 5, 1864,	" Wilderness, Va.
Richard H. Kimball,	Captain,	Aug. 30, 1862,	" Bull Run, Va.
Nathaniel B. Shurtleff, jr.,	" "	Aug. 9, "	" Cedar Mountain, Va.
John Ripley,	" "	" "	Died of wounds.
John S. Stoddard,	" "	May 10, 1864,	Killed, Spottsylvania, Va.
William G. White,	First Lieut.,	Sept. 17, "	Died of wounds received at Antietam, Md.
Arthur Dehon,	" "	Dec. 13, 1862,	Killed, Fredericksburg, Va.
Lysander F. Cushing,	" "	Sept. 17, "	" Antietam, Md.
Francis Thomas,	" "	July 2, 1864,	" Gettysburg, Pa.
Charles G. Russell,	" "	" 2, "	" "
William Robinson,	" "	May 14, "	Died of wounds received at Spottsylvania, Va.
David B. Burrill,	" "	" 24, "	Killed, North Anna River, Va.
George W. Orne,	Second Lieut.,	" "	Died of wounds received in action.
Edward J. Kidder,	" "	May 10, 1864,	Killed.
<i>Thirteenth Regiment.</i>			
George Bush,	Captain,	April 30, 1863,	Killed, by shell, Fitz Hugh House, Va.
Charles W. Whitcomb,	First Lieut.,	May 8, 1864,	" Wilderness, Va.
Josiah H. Steward,	" "	" 10, "	Died of wounds, Wilderness, Va.
William Cordwell,	Second Lieut.,	April 30, 1863,	Killed, by shell, Fitz Hugh House, Va.

List of Massachusetts Officers who have died in the Service—Continued.

NAMES.	Rank.	Date.	Remarks.
<i>Fifteenth Regiment.</i>			
George H. Ward, .	Colonel, .	July 2, 1863,	Killed, Gettysburg, Pa.
Samuel F. Haven, jr., .	Surgeon, .	Dec. 13, .	" Fredericksburg, Va.
Clarke S. Simonds, .	Captain, .	Sept. 17, 1861,	" Antietam, Md.
Moses W. Gatchell, .	" .	Oct. 21, 1862,	" Ball's Bluff, Va.
John Murkland, .	" .	July 2, 1863,	" Gettysburg, Pa.
Hans P. Jorgenson, .	" .	" 2, .	" "
Charles H. Stevens, .	" .	Oct. 15, " .	Died of wounds received at Manassas Junction, Oct. 14, 1863.
Nelson Bartholomew, .	First Lieut., .	Nov. 21, 1861,	" in Philadelphia, Pa.
Richard Derby, .	" .	Sept. 17, 1862,	Killed, Antietam, Md.
Thomas J. Spurr, .	" .	" 27, " .	Died of wounds received at Antietam, Md.
Frank S. Corbin, .	" .	" 17, " .	Killed, Antietam, Md.
Elisha G. Buss, .	" .	" .	Died of wounds received at Gettysburg, Pa., July 2, 1863.
Dwight Newbury, .	" .	Nov. 27, 1863,	" " Robertson's Tavern, Va.
George B. Simonds, .	" .	May 10, 1864,	Killed, Spottsylvania, Va.
J. William Grout, .	" .	Oct. 21, 1861,	" Ball's Bluff, Va.
Caleb H. Arnold, .	Second Lieut., .	July 20, 1863,	Died of wounds received at Gettysburg, Pa.
" .	" .	" .	" .
<i>Sixteenth Regiment.</i>			
Powell T. Wyman, .	Colonel, .	June 30, 1863,	Killed, Glendale, Va.
Arthur B. Fuller, .	Chaplain, .	Dec. 12, 1862,	" Fredericksburg, Va.
Waldo Merriam, .	Lieut. Colonel, .	May 12, 1864,	" Spottsylvania, Va.
Leander G. King, .	Captain, .	July 2, 1863,	" Gettysburg, Pa.
Charles R. Johnson, .	" .	" 17 " .	Died of wounds received at Gettysburg, Pa.
Alexander J. Dallas, .	" .	May 3, .	Killed, Chancellorsville, Va.

David W. Roche,	Captain,	July 3, 1863,	Killed, Gettysburg, Pa.
Joseph S. Hills,	"	May 6, "	" Wilderness, Va.
John Rowe,	"	"	Died of wounds received May 31, 1864.
James R. Darracott,	First Lieut.,	Aug. 29, 1862,	Killed, Bull Run, Va.
Francis P. H. Rogers,	"	June 18, "	" Fair Oaks, Va.
George F. Brown,	"	July 3, 1863,	" Gettysburg, Pa.
John H. Woodfin,	First Lieut.,	May 6, 1864,	" at Wilderness, Va.
James E. Sharp,	Second Lieut.,	Mar. 20, 1863,	" on Railroad, at Kingston, R. I.
Hiram B. Banks,	"	Aug. 29, 1862,	" Bull Run, Va.
George S. Evans,	"	Nov. 11, "	Died.
Hiram Rowe,	"	May 10, 1863,	" of wounds received at Chancellorsville, Va., May 3, 1863.
Samuel G. Savage,	"	" 11, "	"
<i>Seventeenth Regiment.</i>			
Thomas J. C. Amory,	Colonel,	Oct. 7, 1864,	Died of yellow fever, at Newbern, N. C.
Levi P. Thompson,	Captain,	Sept. 20, 1862,	" of disease.
Barnabas N. Mann,	First Lieut.,	Oct. 8, 1864,	" at Charleston, S. C.,—Rebel Prison.
George W. Tufts,	"	" 27, 1861,	"
<i>Eighteenth Regiment.</i>			
George C. Ruby,	Captain,	Dec. 13, 1862,	Killed, Fredericksburg, Va.
Joseph W. Collingwood,	"	" 24, "	Died of wounds.
Charles W. Carroll,	"	Aug. 30, "	Killed, Bull Run, Va.
William G. Hewins,	"	May 3, 1863,	" Chancellorsville, Va.
Charles F. Pray,	"	June 3, 1864,	" Bethesda Church, Va.
George F. Hodges,	First Lieut., Adj.	Jan. 31, 1862,	Died.
Warren D. Russell,	"	Aug. 30, "	Killed, Bull Run, Va.
Parlon Almy, Jr.,	Second Lieut.,	" 30, "	"
John Dwight Isbell,	"	July 16, "	Died.
James B. Hancock,	"	Dec. 13, "	Killed, Fredericksburg, Va.
George F. Weston,	"	Jan. 5, 1864,	Died.

List of Massachusetts Officers who have Died in the Service—Continued.

NAMES.	Rank.	Date.	Remarks.
<i>Nineteenth Regiment.</i>			
Henry J. How, . . .	Major, . . .	June 30, 1862,	Killed, Fair Oaks, Va.
John E. Hill, . . .	Assist't Surgeon, . . .	Sept. 11, "	Died.
George W. Batchelder, . . .	Captain, . . .	" 17, "	Killed, Antietam, Md.
Dudley C. Mumford, . . .	" . . .	May 31, 1864,	" Prospect Hill, Va.
David Lee, . . .	First Lieut., . . .	June 30, 1862,	"
Edgar M. Newcomb, . . .	" . . .	Dec. 19, "	Died of wounds received at Fredericksburg, Va.
Herman Donath, . . .	" . . .	July 3, 1863,	Killed, Gettysburg, Pa.
John J. Ferris, . . .	" . . .	May 12, 1864,	" Spottsylvania, Va.
John B. Thompson, . . .	" . . .	June 3, "	" Coal Harbor, Va.
Charles B. Warner, . . .	Second Lieut., . . .	" 25, 1862,	" Fair Oaks, Va.
Thomas Claffey, . . .	" . . .	Dec. 13, "	" Fredericksburg, Va.
Sherman S. Robinson, . . .	" . . .	July 3, 1863.	" Gettysburg, Pa.
<i>Twentieth Regiment.</i>			
Edward H. R. Revere, . . .	Assist't Surgeon, . . .	Sept. 17, 1862,	Killed, Antietam, Md.
Ferdinand Dreher, . . .	Lieut. Colonel, . . .	May 1, 1863,	Died of wounds received at Fredericksburg, Va.
Paul J. Revere, . . .	Colonel, . . .	July 5, 1863,	" " Gettysburg, Pa., July 3, 1863.
Henry L. Abbott, . . .	Major, . . .	May 6, 1864,	Killed, Wilderness, Va.
Henry L. Patten, . . .	" . . .	Sept. 12, "	Died of wounds.
Alois Babo, . . .	Captain, . . .	Oct. 21, 1861,	Drowned at Battle of Ball's Bluff, Va.
Charles F. Cabot, . . .	" . . .	Dec. 11, 1863,	Killed, Fredericksburg, Va.
Thomas M. McKay, . . .	" . . .	Oct. 6, "	Murdered at Camp Culpepper, Va.
James J. Lowell, . . .	First Lieut., . . .	July 6, 1862,	Killed, before Richmond, Va.
Henry Ropes, . . .	" . . .	" 3, 1863,	" Gettysburg, Pa.

Henry M. Bond,	•	First Lieut.,	•	May 14, 1864,	Killed by guerrillas after being wounded.
Edward Sturgis,	•	"	•	" 10, "	" Spottsylvania, Va.
L. E. Hibbard,	•	"	•	" 10, "	"
Reinhold Wesselhoeft,	•	Second Lieut.,	•	Oct. 21, 1861,	Drowned at Battle of Ball's Bluff, Va.
William L. Putnam,	•	"	•	" 22, "	Died of wounds received at Battle of Ball's Bluff, Va.
Robert S. Beckwith,	•	"	•	Dec. 31, 1862,	" " Fredericksburg, Va.
Leander T. Alley,	•	"	•	" 13, "	Killed, Fredericksburg, Va.
Sumner Paine,	•	"	•	July 3, 1863,	" Gettysburg, Pa.
<i>Twenty-First Regiment.</i>					
Joseph P. Rice,	•	Lieut. Colonel,	•	Sept. 1, 1862,	Killed, Chantilly, Va.
John D. Frazer,	•	Captain,	•	" 24, "	Died of wounds received at Chantilly, Va., Sept. 1, 1862.
Ira J. Kelton,	•	"	•	" 24, "	" " " "
William H. Clark,	•	"	•	Aug. 16, 1864,	" " Petersburg, Va., July 30, 1864.
Orange S. Sampson,	•	"	•	Sept. 30, "	" " " "
Charles Goss,	•	"	•	June 17, "	Killed at Petersburg, Va.
Charles K. Stoddard,	•	First Lieut.,	•	Sept. 30, 1861,	" (shot by a sentinel.)
Frazer A. Stearns,	•	"	•	Mar. 14, 1862,	" at Newbern, N. C.
Henry A. Beckwith,	•	"	•	Sept. 6, "	Died of wounds received at Chantilly, Va., Sept. 1, 1862.
Frederick A. Bemis,	•	"	•	" 1, "	" at Chantilly, Va.
Charles Coolidge,	•	Second Lieut.,	•	Mar. 30, "	" from disease.
William B. Hill,	•	"	•	Sept. 1, "	Killed at Chantilly, Va.
Henry C. Holbrook,	•	"	•	" 17, "	" Antietam, Md.
<i>Twenty-Second Regiment.</i>					
Jesse A. Gove,	•	Colonel,	•	June 27, 1862,	Killed before Richmond, (Gaines' Mills, Va.)
John F. Dunning,	•	Captain,	•	" 27, "	" " " "
Samuel I. Thompson,	•	"	•	Aug. 4, "	Died of wounds received at Malvern Hill, Va.
Benjamin Davis,	•	"	•	May 4, "	Killed, Wilderness, Va.
Joseph H. Baxter,	•	"	•	" . . .	Died of wounds received June 3, 1864.

List of Massachusetts Officers who have Died in the Service—Continued.

NAMES.	Rank.	Date.	Remarks.
<i>Twenty-Second Reg't—Con.</i>			
Robert T. Bourne, . . .	Captain, .	Sept. 23, 1864,	Died of wounds.
Thomas F. Salter, . . .	First Lieut.,	June 27, 1862,	Killed, Gaines' Mills, Va.
Horace S. Dunn, . . .	Second Lieut.,	May 22, "	Died.
George W. Gordon, . . .	" "	June 27, "	Killed, Gaines' Mills, Va.
Daniel J. Haynes, . . .	" "	Oct. 20, "	Died.
Charles K. Knowles, . . .	" "	July 11, 1863,	Died of wounds received at Gettysburg, Pa.
<i>Twenty-Third Regiment.</i>			
Henry Merritt, . . .	Lieut. Colonel,	Mar. 14, 1862,	Killed, Newbern, N. C.
John G. Chambers, . . .	" "	July 13, 1864,	Died of wounds received at Fort Johnson, Va., May 16, 1864.
Thomas Russell, . . .	Captain, .	Dec. 8, 1862,	Died.
Richard P. Wheeler, . . .	First Lieut.,	June 2, 1864,	Died of wounds received at Fort Johnson, Va., May 16, 1864.
John Goodwin, jr., . . .	Second Lieut.,	Feb. 8, 1862,	Killed, Roanoke Island, N. C.
Westover Greenleaf, . . .	" "	Aug. 11, "	Died.
<i>Twenty-Fourth Regiment.</i>			
James A. Perkins, . . .	First Lieut.,	Aug. 26, 1863,	Killed before Charleston, S. C.
Mason A. Rea, . . .	" "	May 16, 1864,	"
Nathaniel S. Barstow, . . .	" "	" 22, "	Died.
Charles G. Ward, . . .	" "	" 16, "	Killed.
Jesse S. Williams, . . .	" "	Aug. 16, "	"
Edgar Clough, . . .	Second Lieut.,	May 16, "	"
Oliver H. Walker, . . .	" "	Jan. 3, "	Died of wounds.
William Thorne, . . .	" "	Aug. 20, "	" received August 17, 1864.

<i>Twenty-Fifth Regiment.</i>					
Thomas O. Neil, . . .	Captain, . . .	June 3, 1864,	Killed, Coal Harbor, Va.		
William Daly, . . .	First Lieut., . .	" 23, "	Died of wounds received at Coal Harbor, Va., June 3.		
Henry McConville, . .	" " Adj't., . .	" 12, "	" " "		
Henry Matthews, . . .	" " "	" 3, "	Killed, Coal Harbor, Va.		
Charles E. Upton, . . .	" " "	May 9, "	Harrowfield Church, Va.		
Charles H. Pelton, . . .	Second Lieut., . .	June 3, "	Coal Harbor, Va.		
James Graham, . . .	" " "	" 3, "	" " "		
<i>Twenty-Sixth Regiment.</i>					
James Monroe, . . .	First Lt. Q. M., . .	Nov. 18, 1862,	Died from disease.		
Eusebius S. Clarke, . .	Major, . . .	Oct. 17, 1864,	" of wounds, received at Winchester, Va., Sept. 19, 1864.		
Enos W. Thayer, . . .	Captain, . . .	" 10, "	" " "		
Albert Tilden, . . .	First Lieut., . .	" 21, "	" Cedar Creek, Va., Oct. 19, 1864.		
John H. P. White, . . .	" " "	July 10, 1863,	" at New Orleans, La.		
Winfield H. Benham, . .	" " "	May 18, "	" of typhoid fever.		
<i>Twenty-Seventh Regiment.</i>					
Franklin L. Hunt, . . .	Assist't Surgeon, .	Nov. 18, 1862,	Killed.		
William A. Walker, . . .	Major, . . .	June 3, "	Killed, Coal Harbor, Va.		
Henry A. Hubbard, . . .	Captain, . . .	Feb. 12, "	Died from disease, Roanoke Island, N. C.		
Charles D. Sanford, . . .	" " "	May 16, "	Killed, Fort Darling, Va.		
Edward K. Wilcox, . . .	" " "	June 3, "	" Coal Harbor, Va.		
Frederick C. Wright, . .	First Lieut., . .	" 27, "	Died of wounds received at Coal Harbor, Va. June 6, 1864.		
Edward D. Lee, . . .	" " "	April 17, 1864,	Died.		
Cyrus W. Goodale, . . .	" " "	Oct. 30, 1863,	"		
Phiny Wood, . . .	" " "	May 13, 1864,	Died of wounds received at Arrowfield Church, Va.		
Joseph W. Lawton, . . .	Second Lieut., . .	Mar. 14, 1862,	Killed, Newbern, N. C.		
Samuel Morse, . . .	" " "	June 3, 1864,	" Coal Harbor, Va.		
Edgar H. Coombs, . . .	" " "	" 3, "	" " "		

List of Massachusetts Officers who have Died in the Service—Continued.

NAMES.	Rank.	Date.	Remarks.
<i>Twenty-Eighth Regiment.</i>			
Richard Byrnes, . . .	Colonel, . . .	June 12, 1864,	Died of wounds received June 3, 1864.
Andrew J. Lawler, . . .	Major, . . .	May 18, " "	Killed, Spottsylvania, Va.
James Magner, . . .	Captain, . . .	" 18, " "	" " "
Charles P. Smith, . . .	" " . . .	" 19, " "	Died of wounds received at Wilderness, Va., May 6.
James A. McIntyre, . . .	" " . . .	" 5, " "	Killed, Wilderness, Va.
William F. Cochrane, . . .	" " . . .	" 30, " "	Died of wounds received at Spottsylvania, Va., May 18.
Patrick Nolan, . . .	" " . . .	Aug. 14, " "	Killed, Deep Bottom, Va.
James B. West, . . .	First Lieut., . . .	June 3, " "	" Coal Harbor, Va.
Hugh P. Boyle, . . .	" " . . .	May 31, 1862,	Died from disease at Hilton Head, S. C.
William H. Flynn, . . .	Second Lieut., . . .	Sept. 1, " "	Killed, Chantilly, Va.
Nicholas J. Barrett, . . .	" " . . .	" 17, " "	" Sharpsburg, Md.
Alexander Barrett, . . .	" " . . .	" 1, " "	" Chantilly, Va.
Edwin J. Weller, . . .	" " . . .	Dec. 13, " "	" Fredericksburg, Va.
William Holland, . . .	" " . . .	" " . . .	" " "
John Sullivan, . . .	" " . . .	Dec. 13, 1862,	Killed, Fredericksburg, Va.
<i>Twenty-Ninth Regiment.</i>			
Charles Chipman, . . .	Major, . . .	June 27, 1864,	Died of wounds.
Henry E. Hempstead, . . .	Chaplain, . . .	Dec. 21, 1862,	" " disease at Falmouth, Va.
John B. Collingwood, . . .	First Lieut., . . .	Aug. 22, 1863,	" " " Cincinnati, Ohio.
Ezra Ripley, . . .	" " . . .	July 28, " "	" " " Helena, Ark.
George W. Pope, . . .	" " . . .	Aug. 5, 1864,	Died.
Thomas A. Mayo, . . .	Second Lieut., . . .	June 27, 1862,	Killed, Gaines' Mills, Va.
Horace A. Jenks, . . .	" " . . .	" " . . .	Dead.
Elisha S. Holbrook, . . .	" " . . .	Aug. 20, 1861,	" " "

<i>Thirtieth Regiment.</i>				
Daniel L. Yeaton, . . .	Captain, . . .	Nov. 28, 1862,	Died of disease.	
Eugene Kelty, . . .	" . . .	Aug. 5, " . . .	Killed, Baton Rouge, La.	
Timothy A. Crowley, . . .	" . . .	Oct. 5, " . . .	Died of disease.	
William F. Clark, . . .	First Lieut. Adjt., . . .	" 21, 1864,	Killed, Cedar Creek, Va.	
George F. Whitcomb, . . .	" . . .	" 19, " . . .	" " " . . .	
John P. Haley, . . .	Second Lieut., . . .	Sept. 19, " . . .	Killed, Winchester, Va.	
<i>Thirty-First Regiment.</i>				
Eben K. Sanborn, . . .	Surgeon, . . .	April 3, 1862,	Died of disease, at Ship Island, La.	
William W. Rockwell, . . .	Captain, . . .	Dec. 3, 1863,	Died.	
F. A. Cook, . . .	First Lieut., . . .	Aug. 6, " . . .	Died of disease.	
<i>Thirty-Second Regiment.</i>				
George L. Prescott, . . .	Colonel, . . .	June 19, 1864,	Died of wounds, Petersburg, Va.	
Charles A. Dearborn, jr., . . .	Captain, . . .	Dec. 13, 1862,	Killed, Fredericksburg, Va.	
Robert Hamilton, . . .	" . . .	July 19, 1864,	Died of wounds, received at Spottsylvania, May 12, 1864.	
Nathaniel French, jr., . . .	First Lieut., . . .	Aug. 9, 1862,	Died.	
Joseph W. Wheelwright, . . .	Second Lieut., . . .	Jan. 18, 1863,	" . . .	
William H. Barrows, . . .	" . . .	July 2, " . . .	Killed, Gettysburg, Pa.	
<i>Thirty-Third Regiment.</i>				
William P. Mudge, . . .	First Lieut. Adj., . . .	Oct. 29, 1863,	Killed, Lookout Mountain.	
Henry J. Parker, . . .	" Lieut., . . .	May 15, 1864,	" . . .	
Edgar L. Bumpus, . . .	" . . .	" " . . .	" . . .	
Arthur C. Parker, . . .	" . . .	" . . .	Captured by guerrillas in Aug. 1863, probably killed.	
Joseph P. Burrage, . . .	Second Lieut., . . .	Oct. 29, 1863,	Killed, Lookout Mountain.	
James Hill, . . .	" . . .	" 29, " . . .	" " . . .	
Oswego Jones, . . .	" . . .	" 29, " . . .	" " . . .	

List of Massachusetts Officers who have Died in the Service—Continued.

NAMES.	Rank.	Date.	Remarks.
<i>Thirty-Fourth Regiment.</i>			
George D. Wells, . . .	Colonel, . . .	Oct. 13, 1864, . . .	Killed, Stickney's Farm, Va.
Harrison W. Pratt, . . .	Major, . . .	Sept 25, " . . .	Died of wounds received at Cedar Creek, Va.
George W. Thompson, . . .	Captain, . . .	" 19, " . . .	Killed, Winchester, Va.
William B. Bacon, . . .	" . . .	May 15, " . . .	Died.
Samuel F. Woods, . . .	First Lieut., . . .	June 26, " . . .	Died of wounds.
Albert C. Walker, . . .	" " . . .	Aug. 23, " . . .	" "
James Dempsey, . . .	" " . . .	" . . .	" "
Malcolm Annidown, . . .	Second Lieut., . . .	" . . .	Died in hands of the enemy.
<i>Thirty-Fifth Regiment.</i>			
Sidney Willard, . . .	Major, . . .	Dec. 13, 1862, . . .	Killed, Fredericksburg, Va.
Edward G. Park, . . .	" . . .	Aug. 14, 1864, . . .	Died of wounds.
Albert W. Bartlett, . . .	Captain, . . .	Sept. 17, 1862, . . .	Killed, Antietam, Md.
Horace Niles, . . .	" . . .	" 29, " . . .	Died of wounds received at Antietam, Md.
J. Wilson Ingell, . . .	" . . .	Aug. 21, 1864, . . .	Killed, Petersburg, Va.
William Palmer, . . .	First Lieut., . . .	Oct. 13, 1862, . . .	Died of wounds.
William Hill, . . .	" " . . .	Dec. 13, " . . .	Killed, Fredericksburg, Va.
Samuel G. Berry, . . .	" " . . .	July 30, 1864, . . .	" Petersburg, Va.
Charles F. Williams, jr., . . .	Second Lieut., . . .	Sept. 22, 1862, . . .	Died of wounds.
Massena B. Hawes, . . .	" " . . .	July 7, 1863, . . .	Killed by the falling of a tree upon him.
<i>Thirty-Sixth Regiment.</i>			
Christopher S. Hastings, . . .	Captain, . . .	Sept. 8, 1863, . . .	Died, Mound City Hospital, Ill.
Amos Buffum, . . .	" . . .	May 18, 1864, . . .	Killed, Spottsylvania, Va.

S. Henry Bailey,	Captain,	May 12, 1864,	Killed, Spottsylvania, Va.
Otis W. Holmes,	"	June 23, "	Died, Harewood Hospital, Washington, D. C.
P. Marion Holmes,	First Lieut.,	Nov. 16, 1863,	Killed, Campbell's Station, Ky.
Henry W. Daniels,	"	May 12, 1864,	" Spottsylvania, Va.
Frederick H. Sibley,	"	Aug. 17, 1863,	Died in hospital.
William L. Howe,	Second Lieut.,	July 7, "	" at Milldale, Miss., (smallpox.)
<i>Thirty-Seventh Regiment.</i>			
Joshua J. Ellis,	Assist't Surgeon,	"	Died at Newport, R. I.
Franklin W. Pease,	Captain,	May 14, 1864,	" of wounds received at Spottsylvania, Va., May 12, 1864.
Algernon S. Flagg,	"	" 14, "	" of wounds.
Charles S. Bardwell,	First Lieut.,	Oct. 6, "	" at Winchester, Va.
George E. Cooke,	Second Lieut.,	May 12, "	Died.
Joseph Follansbee,	"	" 23, "	"
<i>Thirty-Eighth Regiment.</i>			
William L. Rodman,	Lieut. Colonel,	May 27, 1863,	Killed, Port Hudson, La.
Samuel Gault,	Captain,	April 13, "	" Bisland, Bayou Teche, La.
Julius M. Lothrop,	"	" 26, 1864,	Died of wounds received at Cane River, La.
Joseph E. Simmons,	First Lieut.,	Aug. 30, 1862,	Killed while in 18th Regiment; never joined 38th.
Frederick Holmes,	Second Lieut.,	June 14, 1863,	" Port Hudson, La.
<i>Thirty-Ninth Regiment.</i>			
P. Stearns Davis,	Colonel,	July 11, 1864,	Killed, Petersburg, Va.
William T. Spear,	First Lieut.,	Aug. 18, "	" Reams Station, Va.
Bartlett Shaw,	Second Lieut.,	" 30, 1862,	" while in 18th Regiment; never joined 39th.
<i>Fortieth Regiment.</i>			
George E. Marshall,	Lieut. Colonel,	June 1, 1862,	Killed, Old Church, Va.
George C. Bancroft,	First Lieut.,	" 1, "	"

List of Massachusetts Officers who have Died in the Service—Continued.

NAMES.	Rank.	Date.	Remarks.
<i>Fortieth Regiment—Con.</i>			
Edward Carleton, . . .	First Lieut., . . .	June 3, 1862, . . .	Killed, Coal Harbor, Va.
J. Arthur Fitch, . . .	" . . .	Sept. 30, " . . .	" Chapin's Farm, Va.
A. F. Webb, . . .	Second Lieut., . . .	" 7, 1863, . . .	" at siege of Fort Wagner, S. C.
<i>Fifty-Fourth Regiment.</i>			
Robert G. Shaw, . . .	Colonel, . . .	July 18, 1863, . . .	Killed, Fort Wagner, S. C.
William H. Simpkins, . . .	Captain, . . .	" 18, " . . .	" " "
Cabot J. Russell, . . .	" . . .	" 18, " . . .	" " "
David Reid, . . .	First Lieut., . . .	Nov. 30, 1864, . . .	" Charleston and Savannah Railroad.
<i>Fifty-Fifth Regiment.</i>			
William D. Crane, . . .	Captain, . . .	Nov. 30, 1864, . . .	Killed, Charleston and Savannah Railroad.
Dennis H. Jones, . . .	First Lieut., . . .	Mar. 23, " . . .	" accidentally, Yellow Bluff, Florida.
Winthrop P. Boynton, . . .	" . . .	Nov. 30, " . . .	" Charlestown and Savannah Railroad.
William B. Phinney, . . .	Second Lieut., . . .	Aug. 16, " . . .	Killed.
Leonard C. Alden, . . .	" . . .	Oct. 5, 1863, . . .	Died of yellow fever, at Hilton Head, S. C.
Edwin R. Hill, . . .	First Lieut., . . .	Dec. 9, " . . .	Killed, Devereux's Neck, S. C.
<i>Fifty-Sixth Regiment.</i>			
Charles E. Griswold, . . .	Colonel, . . .	May 6, 1864, . . .	Killed, Wilderness, Va.
Wallace A. Putnam, . . .	Major, . . .	" . . .	Died of wounds at Stoughton, Mass.
Robert J. Cowdin, . . .	Captain, . . .	June 3, 1864, . . .	" " "
John D. Priest, . . .	First Lieut., . . .	" 22, " . . .	Killed, Petersburg, Va.
John H. Crawley, . . .	Second Lieut., . . .	" 17, " . . .	" " "

Fifty-Seventh Regiment.

Charles L. Chandler, .	Lieut. Colonel,	May 24, 1864,	Killed.
Albert Prescott, .	Major, .	July 30, "	"
Joseph W. Gird, .	Captain, .	May 26, "	"
George H. Howe, .	"	July 30, "	"
Edson T. Dresser, .	"	" 30, "	"
Samuel M. Bowman, .	First Lieut.,	. . .	"
E. Dexter Cheney, .	"	. . .	"
Edward I. Coe, .	Second Lieut.,	June 17, 1864,	"
James M. Childs, .	"	. . .	"

Fifty-Eighth Regiment.

Barnabas Ewer, jr., .	Major, .	June, 1864,	Killed.
Charles M. Upham, .	Captain, .	" "	"
Thomas McFarland, .	"	" "	"
William H. Harley, .	Captain, .	May 12, 1864,	Killed, Spottsylvania, Va.
Clement Granet, .	First Lieut.,	July 30, "	" Petersburg Mine, Va.
F. Gilbert Ogden, .	"	May 12, "	" Spottsylvania, Va.
William H. Burbank, .	"	June 11, "	Died of wounds.
Franklin D. Hammond, .	Second Lieut.,	. . .	Killed.
Samuel J. Watson, .	"	. . .	Died.
John W. Fiske, .	"	Sept. 30, 1864,	Killed, Poplar Spring Church, Va.

Fifty-Ninth Regiment.

Jacob P. Gould, .	Colonel, .	. . .	Died of wounds received before Petersburg.
John Hodges, jr., .	Lieut. Colonel, .	Aug. 3, 1864,	Killed, Petersburg, Va.
Lewis E. Munroe, .	Captain, .	. . .	Killed.
Samuel A. Bean, .	"	. . .	Died of wounds.
Horace M. Warren, .	First Lieut.,	. . .	"
George J. Morse, .	"	. . .	"
George C. Burrill, .	"	. . .	Killed.

List of Massachusetts Officers who have Died in the Service—Continued.

NAMES.	Rank.	Date.	Remarks.
<i>First Heavy Artillery.</i>			
Seth S. Buxton, .	Major, .	Jan. 15, 1863,	Died of disease.
Frank A. Rolfe, .	" .	May 19, 1864,	Killed at Spotsylvania, Va,
Joseph W. Kimball, .	Captain, .	June 22, "	" Petersburg, Va.
Albert A. Davis, .	" .	" 21, "	Died of wounds received at Nye River, Va., May 19, 1864.
William G. Thompson, .	" .	May 20, "	" " " "
Lewis P. Caldwell, .	First Lieut., .	June 16, "	" " " Petersburg, Va.
Edward Grabam, .	" " .	May 19, "	Killed, Nye River, Va.
Charles Carroll, .	" " .	" 30, "	Died of wounds received at Nye River, Va., May 19, 1864.
Howard Carroll, .	Second Lieut., .	Sept. 23, 1862,	Died.
Orrin L. Farnham, .	" " .	June 17, 1864,	Died of wounds received at Petersburg, Va.
<i>Second Heavy Artillery.</i>			
Henry T. Lawson, .	Major, .	Oct. 1, 1864,	Died of yellow fever.
Dixie C. Hoyt, .	Asst. Surg., .	Nov. 1, "	" " " "
Fordyce A. Dyer, .	First Lieut., .	Oct. 26, 1864,	" " " "
Benjamin A. Shaw, .	" " .	July 26, "	Died of typhoid fever.
<i>First Cavalry.</i>			
Lucius M. Sargent, jr., .	Lieut. Colonel, .	Dec. 9, 1864,	Killed, Weldon Railroad, Bellfield, Va.
Nathaniel Bowditch, .	First Lieut., .	May 20, 1863,	Died of wounds.
Alton E. Phillips, .	" " .	" 4, "	" " " "
William W. Wardwell, .	" " .	" 28, 1864,	Killed.
Edward P. Hopkins, .	" " .	June, "	" " " "

<i>Second Cavalry.</i>					
Charles R. Lowell, jr.,	Colonel,	Oct. 21, 1864,	Died of wounds received at Cedar Creek, Va.		
J. Sewall Read,	Captain,	Feb. 22, "	Killed.		
Charles S. Eigenbrodt,	"	Aug. 25, "	Killed, Hallowtown, Va.		
Rufus W. Smith,	"	Oct. 19, "	"		
Goodwin A. Stone,	"	July 18, "	Died.		
Charles E. Meader,	First Lieut.,	Aug. 26, "	Killed, Hallowtown, Va.		
William S. Wells,	Second Lieut.,	July 26, 1863,	Died.		
Edward B. Mason,	"	Sept. 14, "	" at Readville, Mass.		
<i>Third Cavalry.</i>					
H. A. Durivage,	Captain,	April 23, 1862,	Drowned in Mississippi River.		
Pickering D. Allen,	First Lieut.,	June 2, 1863,			
Solon A. Perkins,	"	"	Killed.		
Charles J. Batchelder,	"	Sept. 9, 1862,	Died at St. James Hospital, New Orleans.		
Jasper A. Glidden,	Second Lieut.,	" 19, 1864,	Killed.		
John F. Poole,	"	Sept. 19, "	"		
Lyman James,	"	"	Died.		
<i>Fourth Cavalry.</i>					
Orson A. Baxter,	First Lieut.,	"	Died.		
John L. Perley,	"	Nov. 15, 1864,	Died of yellow fever.		
<i>Third Battery, L. A.</i>					
Caleb C. E. Mortimer,	First Lieut.,	July 25, 1862,	Died of wounds received at Gaines' Mills, Va.		
<i>Fifth Battery, L. A.</i>					
Peleg W. Blake,	First Lieut.,	June 18, 1864,	Killed.		

List of Massachusetts Officers who have Died in the Service—Concluded.

NAMES.	Rank.	Date.	Remarks.
<i>Sixth Battery, L. A.</i> Charles C. Cram, .	Second Lieut., .	Oct. 11, 1863,	Died of disease.
<i>Seventh Battery, L. A.</i> George F. Critchett, .	Second Lieut., .	Oct. 30, 1863,	Died of disease.
<i>Ninth Battery, L. A.</i> Christopher Erickson, . Alexander H. Whitaker, .	First Lieut., " "	July 2, 1863, " 20, "	Killed, Gettysburg, Pa. Died of wounds received at Gettysburg, Pa.
<i>Tenth Battery, L. A.</i> Henry H. Granger, .	First Lieut., .	Oct. 30, 1864,	Died of wounds received at Petersburg, Va.
<i>First Sharpshooters.</i> John Saunders, . William Berry, . Samuel G. Gilbreth, .	Captain, . First Lieut., " "	Sept. 17, 1862, " 17, " " . . .	Killed, Antietam, Md. " " Petersburg, Va.
<i>Sixth Regiment.</i> Edward D. Sawtelle, . Robert G. Barr, .	Second Lieut., " "	Jan. 30, 1863, Dec. 12, 1862,	Killed, Blackwater, Va. " Tanner's Ford, Va.
<i>Forty-Second Regiment.</i> Ariel I. Cummings, . Benjamin F. Bartlett, .	Surgeon, . Second Lieut.,	. . . . . .	Died in prison, Houston, Texas. " " "

<i>Forty-Fourth Regiment.</i>				
Robert Ware, . . .	Surgeon, . .	April 10, 1863,	Died of disease, Newbern, N. C.	
<i>Forty-Eighth Regiment.</i>				
James O'Brien, . . .	Lieut. Colonel, .	May 27, 1863,	Killed, Port Hudson, La.	
<i>Forty-Ninth Regiment.</i>				
Burton D. Demming, . .	First Lieut., .	May 27, 1863,	Killed, Port Hudson, La.	
<i>Fiftieth Regiment.</i>				
Nathaniel W. French, .	Asst't Surgeon, .	April 21, 1863,	Died of typhoid fever.	
<i>Fifty-Third Regiment.</i>				
George H. Bailey, . . .	Captain, . .	May 27, 1863,	Died of wounds received at Port Hudson, La.	
George P. Nutting, . .	First Lieut., .	April 13, "	Killed, Teche, La.	
Alfred A. Glover, . . .	" "	June 14, "	" Port Hudson, La.	
Josiah H. Vose, . . .	" "	June 16, "	Died of wounds received at Port Hudson, June 14.	

The General Officers of the army from Massachusetts are—

Major-General	B. F. Butler.
"	" N. P. Banks.
"	" D. W. Couch, wounded.
"	" A. W. Whipple, Major of Engineers Regular Army, killed at Chancellorsville.
"	" George C. Strong, killed at Fort Wagner.
"	" J. G. Barnard, U. S. Engineer Corps.
Brev't Maj.	" N. H. Miles, wounded.
Brigadier-General	H. S. Briggs, wounded.
"	" James Barnes, wounded.
"	" Rufus Saxton, Captain Regular Army.
"	" Rice, killed.
"	" Joseph B. Plummer, died of wounds.
"	" Charles Devens, wounded in two battles.
"	" George H. Gordon.
"	" A. B. Underwood, wounded.
"	" Edward A. Wild, wounded in two battles.
"	" William Dwight, wounded.
"	" Henry L. Eustis.
"	" Edward W. Hinks, wounded in two battles.
"	" Thomas G. Stevenson, killed.
"	" Joseph Hayes, wounded.
"	" George L. Andrews.
"	" Frederick W. Lander, died of wounds.
"	" Z. B. Tower, wounded.
"	" William Blaisdell, killed.
"	" Charles J. Paine, wounded.
"	" William F. Bartlett, wounded in three battles.
Brev't Brig.	" Charles R. Lowell, jr., killed.
"	" George D. Wells, killed.
"	" Horace B. Sargent, wounded.
"	" George N. Macy, wounded in two battles.
"	" William S. Tilton, wounded.
"	" N. B. McLaughlin, Captain Regular Army.
"	" G. V. Henry, Captain Regular Army.
"	" A. G. Draper.

Of this list of *thirty-five* Massachusetts General Officers, *nine* have been killed or fatally wounded in action, while *sixteen* more who have fallen in battle survive their wounds. Only *ten* have escaped injury.

REGIMENTS.	Colonels.	Lt. Colonels.	Majors.	Surgeons.	Assistant-Surgeons.	Chaplains.	Captains.	First Lieutenants.	Second Lieutenants.
First,	-	-	1	-	1	-	2	3	3
Second,	-	3	-	1	1	-	6	3	1
Seventh,	-	-	-	-	-	-	1	3	1
Ninth,	1	1	-	-	-	-	6	6	4
Tenth,	-	-	2	-	-	-	3	4	3
Eleventh,	1	1	-	1	-	-	4	7	1
Twelfth,	1	1	1	-	1	-	4	7	2
Thirteenth,	-	-	-	-	-	-	1	2	1
Fifteenth,	1	-	-	1	-	-	5	7	2
Sixteenth,	1	1	-	-	-	1	6	4	5
Seventeenth,	1	-	-	-	-	-	1	2	-
Eighteenth,	-	-	-	-	-	-	5	2	4
Nineteenth,	-	-	1	-	1	-	2	5	3
Twentieth,	1	1	2	-	1	-	3	5	5
Twenty-First,	-	1	-	-	-	-	5	4	3
Twenty-Second,	1	-	-	-	-	-	5	1	4
Twenty-Third,	-	2	-	-	-	-	1	1	2
Twenty-Fourth,	-	-	-	-	-	-	-	5	3
Twenty-Fifth,	-	-	-	-	-	-	1	4	2
Twenty-Sixth,	-	-	1	-	-	-	1	4	-
Twenty-Seventh,	-	-	1	-	1	-	3	4	3
Twenty-Eighth,	1	-	1	-	-	-	5	2	6
Twenty-Ninth,	-	-	1	-	-	1	3	3	3
Thirtieth,	-	-	-	-	-	-	3	2	1
Thirty-First,	-	-	-	1	-	-	1	1	-
Thirty-Second,	1	-	-	-	-	-	2	1	2
Thirty-Third,	-	-	-	-	-	-	-	4	3
Thirty-Fourth,	1	-	1	-	-	-	2	3	1
Thirty-Fifth,	-	-	2	-	-	-	3	3	2
Thirty-Sixth,	-	-	-	-	-	-	4	3	1
Thirty-Seventh,	-	-	-	-	1	-	2	1	2
Thirty-Eighth,	-	1	-	-	-	-	2	1	1
Thirty-Ninth,	1	-	-	-	-	-	-	1	1
Fortieth,	-	1	-	-	-	-	-	3	1
Forty-Second,	-	-	-	1	-	-	-	-	1
Forty-Fourth,	-	-	-	1	-	-	-	-	-
Forty-Eighth,	-	1	-	-	-	-	-	-	-
Forty-Ninth,	-	-	-	-	-	-	-	1	-
Fiftieth,	-	-	-	-	1	-	-	-	-
Fifty-Third,	-	-	-	-	-	-	1	3	-
Fifty-Fourth,	1	-	-	-	-	-	2	1	-
Fifty-Fifth,	-	-	-	-	-	-	1	3	2
Fifty-Sixth,	1	-	1	-	-	-	-	1	1
Fifty-Seventh,	-	1	1	-	-	-	3	2	2
Fifty-Eighth,	-	-	1	-	-	-	3	3	3
Fifty-Ninth,	1	1	-	-	-	-	2	3	-

REGIMENTS.	Colonels.	Lt. Colonels.	Majors.	Surgeons.	Assistant-Surgeons.	Chaplains.	Captains.	First Lieutenants.	Second Lieutenants.
First Heavy Artillery, .	-	-	2	-	-	-	3	3	2
Second " " .	-	-	1	-	1	-	-	2	-
First Cavalry, . . .	-	1	-	-	-	-	-	4	-
Second, " " . . .	1	-	-	-	-	-	4	1	2
Third, " " . . .	-	-	-	-	-	-	1	3	3
Fourth, " " . . .	-	-	-	-	-	-	-	2	-
Third Light Artillery, .	-	-	-	-	-	-	-	1	-
Fifth " " . . .	-	-	-	-	-	-	-	1	-
Sixth " " . . .	-	-	-	-	-	-	-	-	1
Seventh " " . . .	-	-	-	-	-	-	-	-	1
Ninth " " . . .	-	-	-	-	-	-	-	2	-
Tenth " " . . .	-	-	-	-	-	-	1	1	-
First Sharpshooters, .	-	-	-	-	-	-	1	2	-
	16	17	20	6	9	2	110	150	94

SUMMARY.

General Officers,	9
Colonels,	16
Lieutenant-Colonels,	17
Majors,	20
Surgeons,	6
Assistant-Surgeons,	9
Chaplains,	2
Captains,	110
First Lieutenants,	150
Second Lieutenants,	94
	433

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE, DURING
THE SESSION ENDING MAY SEVENTEENTH.

[To the Senate, January 9.]

I have the honor to transmit herewith for the consideration of the general court, a communication which has been addressed to me by the Secretary of the Navy, concerning danger which he apprehends to the channel of Mystic River in the vicinity of the Charlestown Navy Yard, which danger he believes may be averted by your legislative action. The subject is important, and I have not hesitated to assure the Secretary of the Navy that it will be investigated and acted upon by the general court in whatever manner, after inquiry, the public good shall demand.

[To the Senate, January 11.]

The last division of wards in the city of Boston occurred in 1850. The charter of that city required that in 1860, and every tenth year thereafter, a new division should be made, but when the constitutional amendment, which authorized the new senatorial districts, was adopted, in 1857, (see Art. 22,) a law was passed (Gen. Stat., page 63,) forbidding any new division of wards in Boston, "previous to the next apportionment of senators, &c." (See also chap. 19, sect. 16.) Boston was thus prevented from reforming her wards in 1860, and the present arrangement has thus existed for fifteen years, until some wards are so unwieldy that it is difficult for them to poll their entire vote. The next apportionment of senatorial districts will be made by the legislature of 1866, on the census taken in May, 1865. But such apportionment cannot be made properly in cities, unless their wards are first re-districted. Yet the statute says no new division of wards shall be made previously to the apportionment.

The intention of the framers of the Act of prohibition alluded to is probably not accurately expressed by its terms.

I respectfully recommend the adoption of an Act, empowering the cities of this Commonwealth, if they shall deem expedient, to re-establish their wards as soon after the next gubernatorial election as they may judge proper. This will enable the cities to conduct their municipal elections on the new basis, and will assist the next legislature in making its new apportionment of senators.

[To the House of Representatives, January 12.]

I have the honor to communicate for the use of the legislature, the report of Messrs. John W. Brooks, Samuel M. Felton, and Alexander Holmes, Commissioners appointed under chapter one hundred and fifty-six of the Acts of 1862, providing "for the more speedy completion of the Troy and Greenfield Railroad and Hoosac Tunnel," to which I made allusion in my Annual Address.

[To the Senate, January 12.]

I have the honor to present for the information of your honorable body the accompanying Preamble and Resolve passed by the legislature of New Hampshire at its last session, and transmitted to me by the governor of that State.

[To the Senate, January 24.]

It becomes my duty, pursuant to the rules of the Board of Overseers of Harvard College, of which the Governor is, *ex officio*, President, to communicate to the General Court the formal notice received by me (and which accompanies this message) of the recent creation of a vacancy in that Board, by the lamented death of the Honorable Edward Everett.

[To the Senate, February 2.]

I have the honor to transmit herewith, for the information of the General Court, the accompanying joint resolutions of the General Assembly of Vermont, forwarded to me by His Excellency the Governor of that State.

[To the Senate, February 6.]

I have the honor to transmit herewith a copy of the Report made by Colonel Ritchie on the division of the State into districts for organizing companies of the militia under the Act of 1864. On re-examining this document and the accompanying schedules, it seems important that it should be placed within reach of the General Court in an easily accessible form. Table "G," (with exception of the "final summary,") is omitted, that table having been published in General Order, No. 49, of December 7, 1864.

[To the House of Representatives, February 8.]

The Act of the General Court of Massachusetts, "ratifying an Amendment of the Constitution of the United States proposed by the two Houses of Congress to the legislatures of the several States," has been laid before me by the secretary of the Commonwealth, for approval, and it being thus presented, I have signed it, gladly coöperating in form, with the legislature, in a transaction so momentous and significant. This amendment was proposed by Congress in due conformity to the fifth article of the Constitution of the United States, which provides that "the Congress," (which by the first article is defined to "consist of a Senate and House of Representatives,") whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution * * * which * * * shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

But the occasion of the laying of this Act before me for approval, seems to invite some comments upon the relation of the governor to the legislation of the general court, which I herewith respectfully submit to your consideration.

That relation is established by the second article of the first section of the first chapter of the Constitution of Massachusetts, which provides that "no bill or resolve of the Senate or House of Representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal." But this provision is of necessity to be limited to legislative Acts, having their origin in the powers which the legislative body (defined by the same section as "formed by two branches, a Senate and House of Representatives,") derives from the Constitution of Massachusetts itself. It cannot apply to cases in which a power is specifically granted by the Constitution of the United States to the legislature of the State, and when the action of the legislative body alone is required by the terms of that Constitution in order completely to execute such power. If the revisal of the governor is necessary in order to complete an Act ratifying an amendment to the Federal Constitution, then in case of his objection to a bill of ratification, it becomes necessary for two-thirds of both branches of the legislature to agree to pass such bill, in order to effect such ratification on the part of this Commonwealth. Thus the veto power with which the governor is invested by the Con-

stitution of Massachusetts, would be extended so as to include transactions which spring directly from the Constitution of the United States, and are therein in all respects provided for. This would be not only extending the veto power by implication, but extending it also against the rights of the other States, and of the people of the United States, whose right it is that the decision of *the legislature* (to which alone the Federal Constitution appeals in a case like the present,) should not be limited by the interference of the governor. The fact that the fifth article of the Constitution of the United States provides for an alternative mode of ratification by "conventions" instead of by "legislatures," and that Congress may at pleasure propose the one or the other mode, is of itself decisive. If a "convention" should ratify a proposed amendment, the revisal by the governor, of the act of the convention would surely not be contemplated, and his signature of such act would be wholly inappropriate, however cordially he might approve it.

On a previous occasion I have had the honor to express to the General Court some opinions of the competency of a State to superadd qualifications to those prescribed by the Constitution of the United States; and I beg respectfully to refer to a message transmitted to the General Court of 1862 and printed as No. 132 of Senate documents of that year, as including considerations of the general subject, which have application to this special case.

On the day following the passage of the present Act of Ratification to a third reading in the House of Representatives, I received from the office of the Secretary of State of the United States, a copy duly authenticated by him, under date of February 2, of the Resolution of Congress proposing to the legislatures of the several States the Amendment to the Constitution of the United States, which has now been ratified by Massachusetts. Had I received this copy earlier, I should have transmitted it to the general court, for its information. But since no difference appears between the language of the proposed amendment, as certified in this copy, and the recitation of it in the Act of the General Court, I have caused the copy to be filed by the Secretary of the Commonwealth, with the public archives of his office, without such previous transmission.

I have deemed that course the more appropriate and respectful, lest by transmitting it I might seem to assume that the proceeding of the General Court to consider the subject prior to such transmission, was irregular and improvident. In this connection I ask leave to remark that the question

thus suggested did not escape my attention. The Resolve of Congress proposing the Amendment, is, in the highest sense, both a matter of public history, and an act of public legislation of which every court, both State and Federal, in the Union, will take judicial notice, recognizing it as a fact within its own knowledge, and resorting, where memory is at fault, to such documents of reference as may be at hand and be deemed worthy of confidence. In the exercise of its own proper discretion, the General Court of Massachusetts has taken judicial notice of the passage of the Resolution of Congress; and although any approval of my own is superfluous, I have deemed it an honor to certify such approval, by my official signature. But by this message I desire to prevent the form of approval, in this instance, from being drawn into a precedent which might seem wrongfully to enlarge the powers of the governors of States, in like cases, and correspondingly to limit the powers granted by the Federal Constitution exclusively to legislatures of the States.

[To the Senate, February 15.]

I have the honor to transmit herewith a communication received by me from the Department of State of the United States, covering a copy of a letter of Hon. Mr. Morrill, of Vermont, to the President, on the subject of a historical gallery of statuary in the old Hall of the House of Representatives in the National Capitol.

In my Address to the General Court, I had the honor to make suggestion of a course of action on this subject; and I beg to commend the letters herewith transmitted to the consideration of the legislature for action at its present session.

[To the Senate, February 15.]

I transmit herewith, for the information and use of the General Court, a communication addressed to myself by Dr. M. M. Davis, the Indian Agent of the United States, in charge of the Indians at and near Green Bay, Wisconsin, concerning certain supposed rights or interests of the Stockbridge tribe,—for the proper investigation and assertion of which, it seems desirable that some appropriate committee or commission should be appointed under the authority of the legislature.

[To the House of Representatives, March 2.]

I have the honor to transmit, for the information of the General Court, a communication received by me from His Excellency the Governor of Maine, inclosing a copy of an

Act of the legislature of that State, repealing chapter 152 of the Acts of the year 1860 ; and for convenient reference I append a copy of the Act so repealed.

[To the Senate, March 2.]

I transmit herewith, for the information of the General Court, a Report to this department, from the Board of State Charities, prepared by the Secretary of the Board, on the subject of Prisons and Prison Discipline.

The subject to which it relates, and the precise topics it discusses, are alike interesting and important. The Report is made in conformity with the 4th section of the 240th chapter of the Acts of 1863, which provides that the Board "shall investigate and supervise the whole system of the public charitable and correctional institutions of the Commonwealth, and shall recommend such changes and additional provisions as they may deem necessary for their economical and efficient administration."

On perceiving that it contains suggestions which would require legislative consideration in order to render them effectual, and that it contains facts, arguments and statistics which it is desirable should be within the reach of the General Court, and in a convenient form for perusal, I have decided to lay it before your honorable body without the delay which would be incident to a previous complete examination on my own part.

[To the House of Representatives, March 3.]

I received yesterday from a committee of the Massachusetts Historical Society, a letter which I enclose with this communication, concerning the needed republication of our Provincial Statutes—which at the various sessions of the General Court when propositions for such publication have been pending, has met your approval and support. In my address to the General Court at the session of 1861, I had the honor to urge the subject upon its attention, and a careful report earnestly recommending the publication, was made to the Senate by the committee of which Hon. Mr. Whiting was chairman. The resolves reported by the committee failed, however, to be passed. In my address to the General Court of 1862, I again presented the subject. In 1863 and 1864 allusion was made to it occasionally in the proceedings of the General Court and its committees, but no legislative action was taken—not, I think, from any positive want of interest in the measure, but from the greater impression produced by other matters of more immediate importance, and the opinion that this one may wait yet longer.

So that now in 1865, as in 1861, the only complete collection of our Provincial Statutes exists in the library of a private citizen, liable to all the hazards of fire and the ordinary accidents to which any private library is exposed. If this collection should be dispersed or destroyed, the importance of it would be realized at once. The loss to the historian of the Commonwealth would be irreparable; and also to the jurist. There would remain no complete series of the legislative acts of the Province of Massachusetts covering that great and most interesting period of our judicial as well as political history from 1691 under the charter of William and Mary, down to the adoption of the Constitution of Massachusetts in 1780. Nor could the loss be repaired.

I therefore ask leave, through you, to lay the subject anew before the General Court, at the most seasonable occasion, in the hope that measures may be begun by this legislature which will ultimately rescue the Provincial Statutes from oblivion.

The action of the Massachusetts Historical Society and of the Essex Institute, this present year, seems to afford the desirable occasion for recalling the subject to the attention of the General Court.

[To the House of Representatives, March 9.]

I have had the honor to receive from the Clerk of the House, a copy of the following Order, adopted on the 7th inst. :—

“ *Ordered*, That His Excellency the Governor be requested to inform the House whether the requirements of section *ten* of chapter two hundred and eighty-eight of the Acts of eighteen hundred and sixty-four, have been complied with, and if not, the reasons therefor, if within his knowledge.”

The 10th section of chapter 288 of the Acts of 1864, alluded to in the Order, is in the following words :—

“ There shall be established on the lands connected with the State Almshouse at Tewksbury, a receptacle for insane criminals, to which shall be removed all persons now in the state lunatic hospitals, whom the board of state charities shall deem to be fit subjects therefor. Any insane person who may be committed to one of the state lunatic hospitals under the provisions of the fourteenth section of the one hundred and seventy-second chapter of the General Statutes, or of the seventeenth section of the two hundred and twenty-third chapter of the Acts of the year eighteen hundred and sixty-two, may, at the discretion of the court, be committed to the said receptacle under such limitations as the court may direct. And the judges of the superior and probate courts may cause convicts who are insane to be removed from any prison or house of correction to the said

receptacle, in the same manner that such convicts may now be removed to one of the state lunatic hospitals. But no person shall be removed or committed to such receptacle until the governor, by his proclamation, gives notice that the same is ready for inmates."

It will be observed that although the 10th section of the 288th chapter declares that "there shall be established on the lands connected with the State Almshouse at Tewksbury a receptacle for insane criminals, &c., &c.," there is neither in the 10th section, nor elsewhere in that Act, any provision made concerning the method or plan of its construction, or the officers or persons by whom it shall be done, or the expense to be incurred therefor. It will also be observed that this Act was passed on the fourteenth day of May, which was after the passage of a *Resolve* of the same general court, entitled a "Resolve providing for insane persons at Tewksbury," being chapter eighty in the series of resolves of the year 1864, and expressed in the following words:—

"*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding ten thousand dollars, for the erection upon the lands of the State Almshouse at Tewksbury, of a suitable building for the accommodation of one hundred harmless and incurable insane paupers; and a sum not exceeding fifteen thousand dollars for the erection, in connection therewith, of a suitable receptacle for the treatment and restraint of insane criminals; the said buildings to be erected under the direction of the inspectors and superintendent of the almshouse, and the expense thereof paid upon the warrant of the governor: *provided*, the plans and mode of construction of such buildings shall be subject to the approval of the governor and council."

The power and duty, therefore, of *erecting* "a suitable receptacle for the treatment and restraint of insane criminals" is derived wholly from the aforesaid Resolve.

None of the various things required or contemplated by section 10 of chapter 288, have yet been done; and the reason thereof is, that the buildings contemplated and required by chapter 80 of the Resolves, have not been erected. The reason for the non-erection of these buildings hitherto, may be found in the fact that "the plans and mode of construction of such buildings" which were submitted by "the inspectors and superintendent of the almshouse," "to the approval of the governor and council," were found to involve an expenditure which would be consequent on their adoption, considerably exceeding the appropriation limited by the Resolve. The governor and council thereupon declined to approve "the plans and mode of construction," thus submitted to them.

Subsequently the inspectors and superintendent of the almshouse submitted plans and estimates "for the erection of a suitable receptacle for the treatment and restraint of insane criminals," but not in connection with any building for the accommodation of "harmless and incurable insane paupers." This fact alone constituted a patent objection to an approval by the governor and council, since the Resolve contemplated—

1. "The erection * * * of a suitable building for accommodation of *one hundred harmless and incurable insane paupers.*"

"*And * * * in connection therewith*"

2. "The erection * * * of a suitable receptacle for the treatment and restraint of *insane criminals.*"

The erection of the second is contemplated by the Resolve to be executed only in connection with the first. There are manifest reasons of convenience and economy which may have controlled the judgment of the legislature in that requirement.

Another objection was found in the fact that although the estimate submitted reduced the estimated cost of executing the plan presented for erecting the receptacle for insane criminals, below the appropriation of fifteen thousand dollars, still it was apparent that the estimate contemplated the utmost economy in executing the work, and that it omitted various things of convenience and necessity without which the receptacle would be inadequate and incomplete, and the addition of which would involve a considerably increased expenditure.

[To the House of Representatives, March 10.]

I have the honor to transmit herewith, for the information of the General Court, a copy of the opinion of the Supreme Judicial Court, rendered in the case of "*The Commonwealth versus J. V. C. Smith and others, Trustees.*" The point of this decision is, that the mortgage of the Troy and Greenfield Railroad to said Smith and others, is invalid, and constitutes no lien upon the road.

In my address to the general court, on January 8, 1864, I had the honor to call the attention of the legislature to the pendency of this litigation, and the existence of a cloud upon the title of the Commonwealth, occasioned by the "Smith mortgage," which seemed to render it incompetent, without further legislation, for the executive department, under the Acts of 1862 and 1863, to authorize the commissioners to proceed with the construction of the road, east of the Hoosac Mountain, until the question of title should be judicially

determined in favor of the Commonwealth. It having now been thus determined, that restriction no longer exists, and there seems to be no remaining obstacle, within my knowledge, to resuming work upon that portion of the road whenever the commissioners shall find it best to apply to the governor and council, under the Act of 1863, for their authority to do so, if the money appropriated will permit.

In view of the small portion of the two million appropriation now remaining unexpended, it is evident that resuming work on the road east of the mountain, and completing the same during the present year, accompanied by a vigorous prosecution of the work upon the tunnel, will more than exhaust the balance of that appropriation, during the year.

[To the Senate, March 11.]

I have the honor to present a copy of Resolutions of the legislature of the State of Michigan, asking the coöperation of the legislatures of the several States, in a recommendation to Congress to make grants of public lands for the endowment of colleges for women.

[To the Senate, March 25.]

I have the honor to communicate to the general court a copy of the "Concurrent Resolutions adopted by the Legislature of the State of New York," expressive of the emotions with which it had received intelligence of the lamented death of Edward Everett, and attended by an official letter from his excellency the governor of the State.

I am sure that the government and the people of this Commonwealth will preserve in grateful remembrance these assurances of cordial sympathy, and that the sense of a common bereavement will quicken the ancient friendship and mutual faith of New York and Massachusetts.

[To the Senate, March 29.]

It has become my most onerous and unwelcome duty, in the exercise of functions imposed on me by the constitution, to return to the Senate, where it originated, for its reëxamination, a Bill entitled "*In Relation to Jurors.*"

THE FIRST SECTION OF THE BILL provides that "No person shall be deemed to be, within the meaning of the provisions of the sixth section of chapter one hundred and thirty-two of the General Statutes, 'a person of good moral character, of sound judgment, and free from all legal exceptions,' who is at the time engaged in any business or occupation made criminal by the laws of the Commonwealth."

Section 6 of chapter 132 of the General Statutes alluded to, provides that "the selectmen of each town shall, once in every year, prepare a list of such inhabitants of the town not absolutely exempt, as they think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all legal exceptions."

If the first section of the Bill before us becomes a law, its effect will be as if the present legislature had enacted it in these words, viz. : *The selectmen of each town shall, once in every year, prepare a list of such inhabitants of the town not absolutely exempt, as they think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all legal exceptions; but no person shall be deemed to be of good moral character, of sound judgment, and free from all legal exceptions, who is at the time engaged in any business or occupation made criminal by the laws of this Commonwealth.*

The language copied from the General Statutes, chapter 132, section 6, is the precise language of the Revised Statutes, chapter 95, section 4; and it is enacted by the General Statutes, chapter 192, section 9, that "The provisions of the General Statutes, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments." Now, in the charters, or Acts additional thereto, of Roxbury, Newburyport, Springfield, Lawrence, Fall River and Chelsea, cities created since the Revised and before the General Statutes went into effect, and perhaps in other city charters also, the provision is contained, (substantially the same in each charter,) that "the list of jurors shall be prepared by the mayor and aldermen in the same manner as is required in the ninety-fifth chapter of the Revised Statutes, to be done by the selectmen within and for their respective towns." The General Statutes, chapter 132, section 21, directs that "the list of jurors in cities shall be prepared and posted therein, by the mayor and aldermen, in like manner as required of selectmen."

Thus the General Statutes reproduce the same provision, for preparing and posting the jury lists by the selectmen of towns, contained in the Revised Statutes, which is in effect, (according to the rule just cited,) a *continuation* of the law of the Revised Statutes, and *not a new enactment*. Now, applying the same rule of construction to section 21 of chapter 132 of the General Statutes, is it not manifest that the preparation and posting of jury lists in cities, "by the mayor and aldermen, in like manner as required of selectmen," must be conducted in the manner pointed out by

section 6 of the same chapter, just as, (pursuant to the language of their charters,) the same things were before the General Statutes, to be done "in the same manner as is required in the 95th chapter of the Revised Statutes to be done by the selectmen, within and for their respective towns"? And therefore, would not the adoption of the first section of the Bill before us make one law for *towns* and leave another law for *cities*, or at least for some of them? It may be said that the word "towns" may be construed to include "cities." But that is only where there is nothing contained in the provisions proposed or made concerning towns repugnant to those already existing concerning cities. In such cases the cities cannot be, by mere construction, comprehended within the meaning of the word "towns." This question, it seems to me, ought not to be left open. But, if by construction, this Bill can be extended to other cities, I think it very clear that in view of the precise words used in the charter of the city of *Taunton*, granted in 1864, its application cannot extend to that city.

I desire also to call attention to the ambiguous character of the phrase "*business or occupation made criminal*," used in this Bill.

There are various kinds of "*business or occupation*," properly so called, which, by reason of being unlawfully pursued, may become criminal. For example—the *business or occupation* of a taverner or inn-holder, or of a victualler, if one presumes to carry it on without a license, obtained pursuant to chapter 88 of the General Statutes. So also the *business or occupation* (authorized by Gen. Stat., ch. 86, sect. 12, &c.,) of manufacturing spirituous or intoxicating liquors, and of selling the same in quantities not less than thirty gallons, to be exported, or to be used in the arts, or for mechanical and chemical purposes in this State—if one presumes to carry it on without a certificate of authority from the county commissioners obtained pursuant to section 13 of the same chapter. But will the phrase "*business or occupation*" be judicially held to include the transactions of a person who makes gain by the frequent repetition of separate acts, *each* of which is made criminal by law? There is some color to the supposition that it may be done, in the case of selling intoxicating liquors unlawfully, because one who makes several such sales may be punished as a "common seller." But, so also, for several acts of barratry, one may be punished as a "common barrator," and moreover, for several acts of larceny, one may be punished as a "common and notorious thief." The General Statutes, chapter 3, section

7, prescribes, among other rules of construction, this one,—“words and phrases shall be construed according to the common and approved usage of the language,” &c. If repeated acts of unlawfully selling spirituous liquors, by a licensed inn-holder, by a grocer, by a druggist or apothecary, should not be judicially construed, in the light of this rule, to change the “business or occupation” of the party; but if it should be held that, according to “the common and approved usage of the language,” the “business or occupation” of the party would still be that of an inn-holder, grocer or druggist, and not that of a law-breaker, then this proposed section would not exclude either of them from the jury list. And then it would follow, that a licensed inn-holder or victualler who took advantage of his occupation, as such, to sell intoxicating liquors contrary to law, might be placed in the jury box, while a person presuming to be an inn-holder or common victualler, without being licensed as such, though keeping a “total abstinence” house, might be excluded.

Perhaps, however, this phrase may be so construed as to comprehend any doings or transactions, having the character and form of traffic or industry, not necessarily wicked, though artificially made criminal. Such a construction would include persons unlawfully selling intoxicating liquors. But if so, a great many people heretofore regarded as of good moral character, and of sound judgment, must for the purposes of the jury list be “deemed” otherwise. For example, in chapter 49 of the General Statutes, “*of the inspection and sale of provisions, and other merchandise*,” there is a long list of transactions in the nature of traffic and industry, which, for police purposes, are, under certain circumstances, made punishable by law. Among others, whoever puts or receives on board a vessel or a wagon any smoked or pickled fish, for sale, not properly inspected and branded; whoever sells fruit or vegetables or nuts by other than dry measure; whoever sells a bale or bundle of hay in a place where there is an inspector, without having the same inspected and weighed; whoever exports out of the State hops not inspected and marked; whoever within a place having an inspector buys or sells sole or belt leather; whoever sells lime otherwise than in casks of a certain description; whoever sells or buys any lumber or wood not surveyed, numbered and marked as required by statute; whoever sells milk in cans not sealed by wine measure; whoever sells coal not weighed by a sworn weigher; whoever sells any merchandise by weights, measures, scales or balances not sealed; whoever

fishes at unlawful seasons, is, by that chapter, brought into collision with the laws. Those who do such things are punishable as for misdemeanors. And the list may be almost indefinitely extended. But are such men necessarily unfit to be jurors? Either of the two possible constructions of the first section of the Bill before us seems inevitably to involve consequences which I think not within the intention of the legislature. And, if this section becomes a law, how are selectmen to find out what classes of persons it is the object of the law to exclude? And why should not the statute declare its own object explicitly and not leave it to implication?

But there is still another objection to the first section of this Bill. It must be observed that it does not purport to enact a new law, but to interpret an existing one. It proposes to give an interpretation to the words "*good moral character, of sound judgment and free from all legal exceptions*," (Gen. Stat., ch. 132, sect. 6.) And by so doing it seems to me to confound necessary legal distinctions. For example: For the category of "*legal exceptions*" to candidates for the jury list, we must look to the first three sections of chapter 132. And if a man is not by the terms of the law within that category, mere construction cannot put him there. It is a simple question of fact; whether one is or is not in the class of those legally excepted. The selectmen cannot alter the fact. So, too, the candidate must be a man of sound judgment. That is a question of opinion. The selectmen must judge fairly and honestly. They must consider as to each candidate, whether he is, or is not, a man of "sound judgment" according to the ordinary usage of our language. And in the same way, they must consider whether or not he is a man "of good moral character." In the one view the selectmen must consider the intellect, and in the other, the morality, of the candidate, as they must also inquire whether or not he is in the class of those legally exempted, i. e., excepted by special provisions of law. They are not to confound intellect, morality and statutory direction all together. They are separate, in the nature of things. The statute treats them as separate. And in confounding them, ourselves, we shall but mislead or confuse others, while we cannot in fact alter distinctions and differences in themselves actual and intrinsic.

The second section of the Bill provides that "in all criminal causes, the Commonwealth shall be entitled to the same right of challenge now secured to the defendant by

chapter eighty-four of the Acts of the year eighteen hundred and sixty-two."

The right of challenge intended to be communicated by this section to the Commonwealth means, practically, a power to be conferred on each prosecuting officer for the time being. And, in order to be understood, it requires the recital of the Act of 1862, the substantial part of which is its first section. It is as follows: "In all cases of trial by jury, in addition to the challenges now provided for, either party in a civil cause and the defendant in a criminal cause shall, before the trial commences, be entitled to challenge peremptorily two of the jurors from the panel called to try the cause." It is necessary, for the purpose of understanding the result aimed at by this Bill, to begin by inquiring what were the challenges to which the defendant in a criminal cause was entitled before the law of 1862 was adopted; and what rights of challenge he acquired thereunder. The challenges to which the accused is entitled according to the ancient practice are denominated, challenges to the *Array*, and challenges to the *Polls*. The challenge to the *Array* is an objection to the whole list of jurors returned to the court—for some partiality or default in the manner in which it has been *arrayed*, as involving some illegality or unfairness in its composition. To this challenge, of course, all parties must be entitled. Challenges to the *Polls* are of two kinds, namely, challenges for *favor*, i. e., for *cause*, and *peremptory challenges*. All parties are of course, entitled to challenge for *favor*, that being an exception taken to the individual juror, for partiality or other legal incompetency to serve. In one word, either party, whether the prosecutor or the accused, could always challenge the array or challenge any individual juror for any just or legal cause of objection. But the criminal law in capital cases, in tenderness to human life, allows to the prisoner a merely arbitrary and capricious species of challenge to a certain number of jurors (in this Commonwealth twenty,) without showing any cause at all,—which is called a *peremptory* challenge. The statute of 1862 conceded a still other right of peremptory challenge to parties, the justification of which rests on the same principle of which it is an enlarged application. In this the law recognizes the possible existence of impressions or prejudices, or other causes, tending to invalidate the confidence of the party in obtaining a fair trial at the hands of a given juror, though not coming within the category of assignable causes, or if assignable not capable of proof. But the law of England, and of this Commonwealth has always refused the

privilege of peremptory challenges to the prosecutor. It was enacted by the 33d EDWARD I., St. 4, that "*the KING shall challenge no jurors without assigning a cause certain, to be tried and approved by the court.*" And the Act of 6 George 4, chap. 50, which is a revisal and codification of the various statutes concerning juries in England, contains the same limitation of the power of the crown.

The criminal laws are intended to be for the just and equal protection of all the members or subjects of civil society, and for the defence of the peace and dignity of the civil state, alike valuable to all citizens. And while it recognizes the possibility of a state of feeling, real or imaginary, between a person accused of crime and one summoned to try him as a juror, not rising to the certainty, or to the substance, of a lawful cause of objection, but still capable of prejudicing the ultimate rights of the prisoner; yet it does not recognize the existence of such prejudice between the government and the citizen. After having purged the jury list, having placed thereon only good, true and lawful men, after having excluded again from the particular jury all those subject to specific objection, whether on account of interest, consanguinity, pre-occupation of mind, or other cause, the government does not assume that the good and lawful men remaining on the panel can be capriciously prejudiced against itself, and so liable to its own arbitrary or peremptory challenge. Moreover, since the power to make such challenges must be conferred upon some particular officer or officers, if it is allowed to exist at all, the government does not assume, and it does not seem possible to assume, that jurors thus carefully selected are more likely to be the subjects of a mere caprice than are the very officers to whom the power of challenge might be committed. Indeed, the presumption, both of reason and of the law, must always be that those whom the law has carefully selected and chosen for any public duty will perform it. Of course there is a certain margin of infirmity, both of mind and of purpose—nay, of perverseness, indeed—to be allowed for in all human institutions, and which, like friction in mechanics, can never be wholly overcome. But the law cannot assume or presuppose that such intellectual or moral friction is any more likely to be found in the jury box than in the chair of the prosecuting attorney—nor that prosecuting officers may rightly affect a superiority of patriotic integrity over their peers whom the law has placed upon the jury. In other words, whether we assume a high standard or a low standard, in our estimate of jurors, there is no officer, according to the theory of the

common law or to any theory of government among free nations, who may assume to look down upon them. Not even the QUEEN, from the throne of that empire on whose possessions the sun never sets, is permitted, in England, a prerogative so humiliating to the people, so dangerous to liberty.

The section of this Bill, now under consideration, contemplates the introduction of this anomaly into the law of Massachusetts. It proposes to impart to prosecuting officers the power to challenge peremptorily two of the jurors, from the *panel* called to try any criminal cause.

In order to estimate the extent and efficiency of this power, if it shall once come into possession, I invoke your examination of the Bill in connection with our existing statutes. I, at first, thought that the term "*panel*," as it is used in the statute of 1862, and which, by reference thereto, is made a part of the law contemplated, would be deemed to apply to or describe the *array* of the jurors summoned to attend any judicial term, and from which a given jury might be selected. That word, in the common law, denoted a small schedule of paper or parchment, containing the names of jurors returned by the sheriff, or other ministerial officer for the trial of issues in courts of common law. The enrolment of names upon this schedule was called empanelling a jury. The officer was also said to *array* the names in the *panel*. Following that analogy, it was my first impression, that the right or power "to challenge peremptorily two of the jurors from the *panel* called to try the cause," implied only the right to challenge two from the whole list of jurors returned to serve at any given judicial term—or in other words, that the word *panel* would apply to the whole list of names returned from which the trial jurors are selected in our practice. The question has not been authoritatively determined under the statute of 1862. I cannot learn that it has been raised. But a little careful reflection, however, renders it manifest that the term *panel*, in the Act of 1862, does not apply to the whole schedule of jurors returned, or, (in technical language,) to the *array*, but that it applies to the twelve men, who,—after all the challenges have been exhausted to which the party is entitled under former laws—are organized into a *petit*, or trial jury, and who, in the language of the General Statutes (chapter 132, sections 23 to 27 inclusive,) are said to be thereby "*empanelled*." Indeed, perhaps in our practice there is nothing which strictly corresponds to the *panel* as arrayed in England.

In this Commonwealth, *venires* are issued by the clerks of the courts, delivered to the sheriff, and are by him transmitted to the constable, in each of the towns and cities from which jurors are required, and are then served by the constable on the proper municipal officers. The jurors having been drawn in any town, the constable summons them, and having endorsed on the *venire* the fact of their having been drawn, makes return of the *venire* to the clerk of the court. The respective constables of the several cities and towns return their respective *venires*. On the day when the jurors are summoned to attend at any court, the clerk of the court is required to prepare a "*list*" of their names in alphabetical order. The statute in that connection uses the word "*list*" industriously. The paper prepared by the clerk is denoted a *list*, and not a *panel*. It is so called three times in section 23. The twelve men who enter into the composition of a jury, after being sworn, and constituted into a jury of trials, are said in every instances where it is alluded to, to be "*empanelled as a jury*." And in section 27, the trial jury, when complete, is unequivocally called "*the panel*." Therefore, the word "*panel*," in our statute, does not denote the *array*, but it does mean the jury of twelve men "*empanelled*" for trials. Indeed, if the word was not used in that sense in the statute of 1862, then the statute itself would be in practice substantially inoperative in civil causes. Because, unless a party can make his two peremptory challenges after the trial jury is empanelled and sworn, no one in practice can challenge at all. Certainly not after the beginning of a term, and after the first cause is tried; since at civil terms, the jurors are sworn and empanelled once for all at the beginning of a term, to try all causes between party and party which may come before them; and are not empanelled anew for each trial. It is to be remembered that the statute of 1862 gives its two peremptory challenges "*in addition to the challenges*" already provided by law; that it gives them to parties in civil causes, as well as to defendants in criminal causes; that it makes them applicable to the "*panel*," which I have already shown means, in our statutes, the trial jury empanelled from the "*list*" prepared by the clerk, and not the *array*; and also that it limits the right of its exercise in point of time, only by the provision that it shall be exercised "*before the trial commences*."

Therefore it seems plain that when the jury "is called to try the cause,"—which, at civil terms, may be either the "first jury," or the "second jury," empanelled at the beginning of the term; or when either jury, in like manner, "is

called to try the cause" in a criminal case, having been specially "empanelled" therefor—then the party may exercise this new statute right of challenging off two of the jurors from the *panel* as it will then be composed.

If the Act now proposed becomes a law, then, after the jury is empanelled under the statute to try a party, even under a capital indictment, when the life of the accused is the awful stake involved in the controversy, the prosecuting officer may use the power of a merely capricious and arbitrary challenge, which will exclude two good and lawful men whom the law and the prisoner have united to select, and who are, in the eyes of reason and by the theory of our government, the peers of the attorney-general himself.

I confess, that I am able to perceive nothing in the history of Massachusetts, nothing in the character, conduct or tendencies of her people which justify such an innovation. I cannot believe that there is any danger from possible disagreements of juries when they ought to agree, comparable with the danger to public liberty and to the safeguards of personal rights flowing with fatal certainty and celerity from the invasion of well settled rules and principles of free government.

I am not unaware that the power of peremptory challenge in favor of the prosecution in criminal causes, seems to derive the influence of precedent from legislation in certain of the States of the Union. So, too, there have been many other departures from safe and consistent legislation, which Massachusetts will never imitate. And especially I hope, that those who may hereafter discuss the history of liberty will never be obliged to pause over any of the pages of our legislation, and endeavor to apologize or account for our want of fidelity to prescriptive and fundamental ideas identified with the freedom of the English race. It is the part of Massachusetts to establish good precedents, and not to follow bad ones.

It is urged that this Bill originates in a philanthropic desire to make more efficient certain statutes, and more surely to punish certain artificial offences, not always satisfactorily reached. The desire is to find additional means to exclude from juries, in a certain narrow range of causes, persons against whom no objection can be found on the score of judgment, character or integrity, and therefore not liable to challenge for cause; but who may be suspected by district-attorneys on the score of theoretical opinion, to be indisposed to convict. Let me then contemplate the subject for a single moment in its practical relations. 1st. Is there, in fact, any

exigency demanding this innovation, in order to secure the enforcement of particular laws? 2d. If any such exigency exists, why should the unusual remedy proposed for the evils of a single case be made to apply with indiscriminating universality to all other cases, and to affect and limit the rights of all men? 3d. What is to hinder the application of this remedy, intended by honest men to be fairly applied, from being capriciously and unfairly used, so as, by merely arbitrary challenge, to exclude citizens from the jury on account of their origin, extraction, political opinions or religious persuasion? 4th. If convictions are not satisfactorily obtained, after the trial of this experiment, what is there to prevent its extension? And why should it not be extended, on the principles of this Bill, until juries are organized, *not for the purpose of trying the accused, but for the purpose of convicting them?*

If this measure did not find advocates among good men it would be far less dangerous. But the precedents which good men set, bad men are sure to enlarge upon. Will it be urged that in this country the danger is not in the direction of abridging personal rights? The suggestion is a plausible one; but I think it is supported by neither philosophy nor experience. The legislation of a Republic or a Democracy can be as remorseless and as defiant of the rights of individuals and minorities as are the decrees of monarchs,—their injustice more dangerous and not less despotic. Indeed, Constitutions and Bills of Rights have their origin in their recognized necessity in order to guard the humble, the few and the unpopular against destruction by the hasty legislation of impatient and imperious majorities. What has been done within our own recollection and experience may be repeated. We have seen within our own day the legislation of Congress carried beyond reasonable endurance under the influence of political panic and for the benefit of particular interests. We have seen slavery and politics strong enough in their combination to dictate laws, not consistent either with statesmanship or humanity. And we have seen the humble citizen standing secure behind the shield of a free and independent jury—his sole defence against the power of an arrogant and passionate majority.

With entire respect for the intelligence and integrity of other minds, I must for myself hold fast to this institution conservative of Liberty, maintaining it in its fair and harmonious proportions, as the product of ages, the fruit of wisdom and experience. Yea, maintaining it without variation or shadow of turning, even if I stand alone. If the right of fair

trial by an independent jury for those accused of crime shall ever be lost or become endangered in Massachusetts, I am not one of those who will be responsible for the catastrophe.

[To the Senate, April 3.]

To the Order of inquiry adopted by the Senate on the 30th ultimo, requesting the governor, "to inform the Senate upon what information, if any, in relation to the compliance of the Trustees of the Agricultural College with the provisions and conditions of the law authorizing the location of said college, such location in the town of Amherst was approved by the governor and council,"—I have the honor to reply, by communicating the information which I understand to be contemplated by the Order. A very full and quite precise statement will be found in a paper addressed to this department by Messrs. Henry F. French, Henry Colt and Charles G. Davis, executive committee of the trustees, under date of September 1, 1864, a copy of which is appended to this message for the use of the Senate. After this document had been laid before the executive council by the governor, a public hearing was had before the council, at a meeting at which the governor was not present, the purpose of which was to secure a more complete understanding of the matter by subjecting to direct and open investigation the work done and the plan proposed, the opinions expressed and the facts relied on by the Board of Trustees. The matter was called up at a subsequent meeting by the governor, when it did not appear that anything was relied on not substantially and sufficiently stated in the document already alluded to. In addition to the statement therein, that the sum of \$75,000 had been raised by subscription for buildings for the accommodation of the college at Amherst; it was also before the action of the trustees was confirmed, proved to the satisfaction of the governor and of the council, or of a majority of its members, that by competent and valid subscriptions, in writing duly made, the said \$75,000 had been obtained pursuant to the requirement of the statute. It is proper to add, also, the fact, that at the request of the trustees, the governor and council had visited and examined in person the territory recommended by the trustees for the location of the college.

[To the Senate and the House of Representatives, April 4.]

The presence of the General Court, in session, at the seat of government, renders it appropriate that the several departments of the government of Massachusetts should unite in a becoming recognition of the events of our national history

which have just now come to pass, and are even yet in the process of fulfilment.

Without awaiting the arrival of particulars of intelligence, which involves necessary delay, I am authorized by telegrams from the Secretary of War, to announce to the Senate and the House, the triumphant success of the armies of the United States, led by Major-General Meade, by Major-General Sheridan and by Major-General Ord, combined, and under the immediate supreme command of Lieutenant-General Grant, in a series of consummate military movements, occupying several days of constant engagements, fought with endurance and valor never surpassed, attended by hardship and peril heroically sustained, and extending along a line of operations without example in military history, culminating in the destruction of the enemy's line, in the evacuation of Petersburg, and in the occupation, by the corps under Major-General Weitzel, of the Capital of the rebel usurpation, which took place yesterday, being the 3d day of April A. D. 1865, at a quarter after eight o'clock in the morning.

This result has promptly succeeded upon the extraordinary and brilliant exploits of the army commanded by Major-General Sherman, whose march through the States of Georgia, South Carolina and far into the State of North Carolina, while it swept by its resistless energy the cities of Savannah, Columbia, Charleston, and their surrounding territories, threatened an early junction with the Union armies immediately before Richmond, and, moreover, occupied and held in its own front an important command of the available forces of the rebels. To these events and exploits, while in their progress, was added, the recent capture of Fort Fisher, on the Cape Fear River, and the occupation of Wilmington by a force detailed for that purpose by Lieutenant-General Grant, and immediately led by Brigadier-General Terry, in an enterprise most brilliant both in action and in result.

Having patiently led his armies through the terrible campaign of 1864, from the Rappahannock, across the James, to the gates of Richmond and Petersburg, Lieutenant-General Grant held the enemy in their position until, by the execution of the task assigned to Major-General Sherman, and by the operations of Major-General Sheridan in the valley of the Shenandoah, the concentration of our armies was well accomplished, and the connections and lines, whether of retreat, advance or supply of the rebel forces in Virginia, were within his reach or control.

Will not the impartial mind of the historian, applying judicial tests to events and men, not yet, (in their immediate presence,) within our power calmly to apply, declare this occasion, which now thrills and exalts every true American and every lover of human liberty, to have been, under the Great Providence of the Infinite Majesty of the Universe, one of the signal examples and illustrations of genius, intelligence, manhood, endurance and of military virtue?

In the midst of a great national rejoicing, we are called again to mourn the loss to the country and their kindred of, we know not how many of our most gallant and worthy sons. Their names, their memory and their deeds will last while the best actions of men have a record on earth. And the precious sacrifice of heroic lives will find their great reward in the gratitude of mankind and the benediction of God.

The people of Massachusetts, faithful from the first, will be faithful to the last. She has poured out like water her treasure, her tears and her blood. Her sons have fallen on nearly every field of these four years of war. But her people share to-day, with those of all loyal States, with all loyal hearts, with the friends of human freedom, and the supporters of human rights, all over the world, the glory of a consummate victory.

Senators and Gentlemen of the House :

I extend to your honorable body, to each of its members, my cordial congratulations, my sympathy with every emotion of public joy or of private grief this event may awaken, and I pronounce the desire of the Executive Department to unite with the Legislature in any expression of gratitude to Lieutenant General Grant, his officers and men, for the immortal service rendered by them to their country, which your wisdom may suggest.

[To the Senate and the House of Representatives, April 17.]

Since the last adjournment of the General Court of Massachusetts, the people of the United States have been overtaken by a great and enduring sorrow. In the midst of the exultations of recent and repeated victory, in the midst of the highest hopes, of the most auspicious omens, in the hour of universal joy, the nation passed at once, by an inscrutable and mysterious Providence, into the Valley of the Shadow of Death. Assembled while the cloud is yet thick upon our eyes, and the hearts of men are oppressed by the sense of a strange dismay, it has become my mournful duty to record, by formal and official announcement to the legislative

department of the Commonwealth, this calamitous and distressing event.

ABRAHAM LINCOLN, President of the United States, is no more. He departed this life at the city of Washington, on Saturday, the 15th day of the present month of April, A. D. 1865, at twenty-two minutes past seven o'clock in the morning.

On Friday, he was possessed of all the faculties of his mind and body, in the active performance of the functions of his great office, and devoted himself throughout the day with cheerful and hopeful courage, and with his wonted, vigorous power and patient assiduity, to the duties it required of him. In the evening, surrounded by his family, in a place of public resort and amusement, and in the presence of a crowded audience, gathered partly to greet him as the President of the Union, and in happy recognition of the triumphant victories just achieved over the rebel army in Virginia, (which had resulted in a rout, closely followed by its surrender,)—before the very eyes of the people of whom he was the elect and honored Chief Magistrate, he fell beneath the sudden, unwarned and unsuspected assault of an assassin, whose deed of blood has hardly a parallel for its combination of audacity and wickedness, in the annals of crime. A bullet shot from a fire-arm penetrated his brain. He fell senseless and bleeding, with a wound, the mortal nature of which was immediately apparent; and was borne from the scene only to linger a few hours unconscious of suffering, and then to die. The people of this continent rose from their slumbers on the morning of Saturday, to read the announcement by telegraph, which brought to their homes the dreadful intelligence of the murderous assault, which was scarcely read before the terrible tragedy closed, with the announcement soon flashed along the wires, that the assassin's work was complete, and that the MAN on whom the people hung with fonder hope and confidence than had ever been exercised within the memory of the generation to which we belong,—the Great Man, the Good President, the fortunate Head of the Nation, the Peaceful Hero in the councils and work of War, had died, the victim of an enemy to his country and mankind, adding martyrdom itself to his other and scarcely less emphatic claims to human veneration, gratitude and love.

In my capacity of a citizen I was a supporter of this eminent and now historical personage, for the Presidency of the United States, on the occasion of his first, and also of his second election. I assisted in his first nomination in the

month of May, 1860, and, as a representative of this Commonwealth, was on the committee who visited him at his home to convey to him the formal invitation to become a candidate for the suffrages of those citizens whose general views on public affairs he was supposed best to represent. During the more than four years since his first inauguration as President, it has been my duty, and my great honor, to participate in bringing to the support and defence of the National Government, under his Presidential administration, the powerful resources of patriotic will, of loyal hearts, of means, of arms and of men, contributed by Massachusetts to the establishment of the rights of the Nation, and the liberties of the People. Brought by these means into relations with President Lincoln, personal not less than official, which could not fail to disclose the character, and reveal the man, I desire on this grave occasion, to record my sincere testimony to the unaffected simplicity of his manly purpose, to the constancy with which he devoted himself to his duty, to the grand fidelity with which he subordinated himself to his country, to the clearness, robustness and sagacity of his understanding, to his sincere love of truth, his undeviating progress in its faithful pursuit, and to the confidence which he could not fail to inspire, in the singular integrity of his virtues and the conspicuously judicial quality of his intellect.

He had the rare gift of discerning and setting aside whatever is extraneous and accidental, and of simplifying an inquiry or an argument, by just discriminations. The purpose of his mind waited for the instruction of his deliberate judgment; and he was never ashamed to hesitate, until he was sure it was intelligently formed. Not greatly gifted in what is called the intuition of reason, he was nevertheless of so honest an intellect that, by the processes of methodical reasoning, he was often led so directly to his result, that he occasionally seemed to rise into that peculiar sphere which we assign to those who by original constitution are natural leaders among men. Not by nature a leader, neither was he by nature a follower; and by force of his rare union and balance of certain qualities, both intellectual and moral, he was enabled to rise to the dignity of master of his own position, in a place exacting and difficult, almost beyond the precedents of history. Educated wholly as a civilian, his fame will be forever associated with his administration of public affairs in a civil war, unexampled in its proportions, and conducted on his own side with such success as to command his own re-election by the free will of a free people.

Perhaps little that he spoke or wrote will pass into literature, yet few men have ever written or spoken with greater effect or to better purpose in appealing over the passions of the hour, to the sober judgment of men, face to face with their combined duties and interests; and, very few there have been who knew so well as he how to reach the understanding of plain and honest men who compose the intelligent masses of the American people.

Possessed of a will of unusual firmness and tenacity, his heart was placable, humane and tender. He exerted powers the most extensive and various, stretching into that undefined and dangerous region of administrative jurisprudence, where the rights and duties of the military Commander-in-chief limit and merge into themselves the functions of the civil magistrate, and even of the judicial tribunal. And yet, if we should concede to his enemies all that disappointed animosity and defeated disloyalty have been able to allege against him, we should still be enabled to challenge all human history to produce the name of a ruler more just, unselfish or unresentful. Cheerful, patient and without egotism, he regarded and treated himself as the servant of the people, using his powers only for their cause, using no more than the cause seemed clearly to demand, and using them alike without passion and without perturbation.

It were premature for us to assert how, or how far, during the four years of his administration, he *led* this American People. The unfolding of events in the history we are yet to enact, will alone determine the limits of such influence. It is enough for his immortal glory that he faithfully *represented* this People, their confidence in democratic government, their constancy in the hour of adversity, and their magnanimity in the hour of triumph.

Of that narrow and bigoted conceit of intelligence which affects to measure truth by the standard of its own conceptions, he had none. Nor did the argument of apparent and superficial consistency, so often the bugbear of meaner minds, weigh down for an instant, in the scales of his serene and conscientious adjudications of duty and verity, the imperative demands of any doctrine or any method however newly discovered.

Coming to the Presidency, preoccupied by the traditional theories and opinions of the political school in which he was educated, he devoted himself with a purpose, single and exclusive, to the practical interpretation of events, to the study of those lessons taught by the experience through which the country was called to pass; and learning, in com-

mon with a majority of his countrymen, in the strifes and agonies of the rebellion, by the lurid glare of the fires of treason and of civil war, how to accommodate opinion to the altered relations of States, interests, and sections of the people, he marched, side by side with the advancing hosts of the best and most discerning, in the direction where Divine Providence pointed the way.

Comparing his declarations of purpose and of inclination, with the great actions of his career, we recognize how that career was shaped by external, more than by internal forces. Until long after his inauguration, he never proposed nor counted upon war. He proposed only to hold, occupy and possess the places and the property which were within the exclusive jurisdiction of the United States. And yet he waged to a successful issue a civil war the most tremendous which history records. Nor had he ever proposed, or inclined to interfere with Slavery in the States. He proposed only to check its spread and suppress its existence in places within the exclusive jurisdiction of the Federal Union. And yet he proclaimed liberty to three millions of American slaves, and prepared the way for universal emancipation.

Without disparagement, then, of his loftiness of motive and fulness of achievement, and without detraction from the measure of his glory, may we not recognize in his career a Direction Supreme above the devices or conceptions of man, and seeing thus how a Divine Hand has led us through these paths of trial, yield confidently to its guidance in all future years.

Standing, as we do, by the open grave of ABRAHAM LINCOLN, we seem to have taken now a new departure in our history. The cannon which fulminated the thunders of rebellion against the walls of Fort Sumter were the signal-guns of a revolution which,—turned back upon itself by the glorious uprising of a free people,—has advanced, on its swelling tide, the *Cause* which the Rebellion was intended to destroy. Thus far, the moral defeat of treason has been exemplary and overwhelming. The vigor and persistency of the People, their energy in the greatest exigencies of a nation, while the tremendous and dreadful behests of war summoned them to duty, have been fully vindicated.

We had outlived the weary period of delays and military discouragement; through many disappointments, and out of many disasters, we had risen to the loftiest and sunniest heights of assured, decisive, and overwhelming victory in the field of arms. Four years, to a single day, had intervened while this work of the American People was going on, when

upon the anniversary of the attack on Sumter, the Flag of the Union, borne back with pomp and pageant, was restored, with becoming ceremony, to its citadel, by the same hands which had been compelled by superior force to strike it in token of surrender. ABRAHAM LINCOLN had been spared and sustained through all these weary months and years, to witness the majestic triumphs, the conquering marches of our resistless armies, to hear the last wail of disloyal discontent in the loyal States, to receive the united congratulations of the acclaiming millions of his countrymen, to reap a sweeter and richer reward of deliverance and victory than had ever been enjoyed by any ruler of the sons of men. His career closed at a moment when its dramatic unity was complete, and when his departure from life on earth was the apotheosis, the translation, by which, defended against all the shocks and mishaps of Time, he passed on to Immortality.

“ Besides, this Duncan
Hath borne his faculties so meek, hath been
So clear in his great office, that his virtues
Will plead like angels, trumpet-tongued, against
The deep damnation of his taking off;
And pity, like a naked new-born babe,
Striding the blast, or heaven's cherubim horsed
Upon the sightless couriers of the air,
Shall blow the horrid deed in every eye,
That tears shall drown the wind.”

But, to us who survive, to the country for whose honor and deliverance he laid down his life, there remain the task and the opportunity now more clearly revealed.

The barbarism which originated treason and rebellion against a government free, united and paternal; which hunted and hanged political dissenters; starved to death its prisoners of war; made war as well through robbers and incendiaries, as by organized armies; rewarded perjuries; and desecrated the remains of the fallen brave; the barbarism which made human slavery the God of its idolatry, has passed on to the final demonstration of its character in the logical development of its history, until it has crowned its own infamy, and challenged the burning hatred and contempt of all human nature, by adding this assassination, this parricide, to the blistering record of its crimes.. From this hour may the men of Massachusetts rise up to a new and loftier resolution. With the fall of Sumter we dedicated ourselves to the overthrow of treason, to the suppression of rebellion, and the restoration of the honor and power of the Union. In the appeal to Force, Treason and Rebellion have

been conquered. As an organized military power the confederacy of traitors has practically ceased to be. But, there now remains to us yet another and perhaps a greater labor. On the ruins of that social despotism, over the fallen altars of that barbarism in whose despairing death-throe was planned and executed this dastardly assassination, by the side of the bleeding form of all that was mortal in that magnanimous Father of his People, let us pronounce the vows of a new obedience.

“ Powers depart,
Possessions vanish, and opinions change,
And passions hold a fluctuating seat :
But by the storms of circumstance unshaken,
And subject neither to eclipse nor wane,
DUTY exists.”

Order, Law, Freedom, and true Civilization, must rise into life all over the territory blasted by Despotism, Barbarism and Treason. The schemes of sentimental politicians, who neither learn nor forget, whose ideas of constructive statesmanship are only imitative as are the mechanical ideas of the bee or the beaver, the plans of men who would re-build on the sand, for the sake of adhering to a precedent, must be utterly, promptly and forever rejected.

Let the Government and the people resolve to be brave, faithful, impartial and just. With the blessing of God, let us determine to have a country, the *home* of Liberty, and Civilization. Let us deserve success, and we shall surmount every obstacle ; we shall survive delays ; we shall conquer defeat ; we shall win a peaceful victory for the great ages of the future, and for the cause of mankind ; we shall requite these years of toil and war. The blood of all this noble army of the martyrs,—from the soldiers of Massachusetts who fell in Baltimore, to Abraham Lincoln, the President, who has mingled his own with theirs,—the blood of this noble army of martyrs shall be, as of old, the Seed of the Church.

[To the House, April 17.]

I have the honor to transmit to the General Court a communication received by me from His Excellency the Governor of Maryland, inclosing a copy of an Act of the General Assembly of that State to provide for a National Cemetery for our soldiers who fell on the battle-field of Antietam, and inviting the coöperation of this Commonwealth.

[To the Senate, May 15.]

I am compelled to return unapproved to the Senate, in which it originated, a Bill entitled "An Act increasing the Penalties for Second Convictions of certain Offences." The late period of the session at which this Bill is presented to me, prevents me from stating at length my objections thereto, but they may be briefly stated as follows:—

I cannot approve the first section of this Bill, for the reason that it contemplates second convictions of defendants, of the "*same offence*," and sentences thereupon, whereas the Fifth Article of the Amendment of the Constitution of the United States provides that no person "shall be subject for the *same offence* to be twice put in jeopardy." This is probably an accidental form of expression, used in the Bill, instead of the expression found in the General Statutes, when the same idea is intended, viz.: "*like offence*."

I respectfully object to the second section of the Bill, that it would give jurisdiction to police magistrates and trial justices, of offences made punishable by two years' imprisonment in the house of correction, which is entirely contrary to the policy of the law of Massachusetts, of which there are many illustrations, particularly those contained in the one hundred and twentieth chapter of the General Statutes, where, with a single exception (in which excepted case a penalty of one year's imprisonment may be inflicted,) it is provided that the maximum punishment within the authority of such tribunals to inflict, shall not exceed six months' imprisonment. That excepted case is in section forty-one, where, after giving jurisdiction of several classes of offences, the law goes on to say: "in all which cases the punishment for a first offence shall be by a fine not exceeding fifteen dollars, or imprisonment in the jail not exceeding six months; and upon a second conviction of the like offence committed after a former conviction before a police court or a justice of the peace, the punishment shall be by fine not exceeding twenty dollars, or imprisonment in the jail not exceeding one year."

I find, upon examination, that the erroneous form of expression in the first section, already alluded to, occurs in chapter one hundred and sixty-five, section thirty-five, of the General Statutes, and I respectfully suggest the propriety of its correction. It seems to me that a statutory provision couched in such language must be simply nugatory and ineffectual. If the attention of the court is called thereto, the same words used in the Constitution of the United States, and in the statute, must be construed to have the same

meaning; and if so, the Constitution being paramount the statute becomes inoperative and void.

NOTE.—It has been contended that the Governor erred in taking the ground, that a party is protected against being twice put in jeopardy for the same offence under the laws of a State, by the words of the 5th Article of the Amendment of the Constitution of the United States. There are authorities on both sides of this question. But whether this constitutional amendment thus applies or not, it is equally clear, that the Bill proposed was wrong. For it is an undeniable principle, and fundamental, in the common law, *that no man shall be twice put in jeopardy for the same offence.*

Spencer, C. J., in giving the opinion of the Supreme Court of New York, in the case of the *People vs. Goodwin*, 18th Johns, page 194, says:

"The defendant's counsel rely principally on the 5th Article of the Amendments to the Constitution of the *United States*, which contains this provision: '*Nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb.*' It has been urged by the prisoner's counsel, that this constitutional provision operates upon State courts *proprio vigore*. This has been denied on the other side. I do not consider it material whether this provision be considered as extending to the State tribunals or not; the principle is a sound and fundamental one of the common law, that no man shall be twice put in jeopardy of life or limb for the same offence. I am, however, inclined to the opinion, that the article in question does extend to all judicial tribunals in the United States, whether constituted by the Congress of the *United States*, or the States individually. The provision is general in its nature, and unrestricted in its terms; and the Sixth Article of the Constitution declares, that that Constitution shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State, to the contrary notwithstanding. These general and comprehensive expressions extend the provisions of the Constitution of the *United States* to every article which is not confined, by the subject matter, to the national government, and is equally applicable to the States. Be this as it may, the principle is undeniable, that no person can be twice put in jeopardy of life or limb, for the same offence."

Parker, C. J., in deciding *Commonwealth vs. Purchase*, 2 Pick., 520, seems to assume that the Fifth Article of the amendments to the Constitution of the United States applies to the States in the same manner as it was understood to apply by Chief Justice Spencer and the Supreme Court of New York in the case just cited.

But Marshall, C. J., in the case of *Barron vs. Baltimore*, 7 Peters, 250, speaking for the Supreme Court of the United States, says: "We are of opinion that the provisions in the fifth amendment to the Constitution, declaring that private property shall not be taken for public use without just compensation, is intended solely as a limitation on the exercise of power by the Government of the United States, and is not applicable to the legislation of the States."

And the following *dictum* occurs in a *Per Curiam* decision in *Commonwealth vs. Hitchings*, 5 Gray, 485, where the Supreme Judicial Court of Massachusetts, alluding to the case of *Barron vs. Baltimore*, says: "It has been established by the highest authority that those amendments of the Constitution of the United States which contain no expression indicative of an intention to apply them to the State governments, are restrictions upon the government of the United States only." This view was applied in *Barker vs. People*, 3 Cow. 686, and *James vs. Commonwealth*, 12 S. and P. 221.

The opinion expressed in *Barron vs. Baltimore*, was in accordance with a theory of Constitutional construction, which, under the new order of ideas springing up with the abolition of slavery, may be much qualified hereafter. It has been contrary to the policy hitherto dominant in the country to give to those clauses of the Federal Constitution under which individual rights might be sheltered, as by an impenetrable shield of liberty, any but the most restricted application.

[To the Senate, May 16.]

I am apprised informally that some inquiry has been made in your honorable body concerning the course taken and proposed to be taken by the Governor in relation to the following resolve :

“ Resolve, in relation to Licensing the Sale of Intoxicating Liquors.

“ Resolved, That it is not expedient or right in principle to authorize the sale of intoxicating liquors, as a beverage, by license.”

Since the inquiry has been mooted, I deem it not only appropriate, but more respectful to the General Court, that I should communicate for its information the views entertained by me, and which direct my action in the premises.

On reading the resolve it is apparent that the signature of the Governor would not give to it the force of law, nor change its character, significance or value, since the resolve is only the expression of an opinion on an abstract proposition. Were I to add my official approval, I should be guilty of the affectation of presuming to the right of approving or disapproving the opinions on questions of morality and ethics entertained by gentlemen whose opinions are, I presume, at least as valuable as my own, and which my mere approval or disapproval could not affect.

There are resolves, such as those which presume to utter the opinions of the people—our common constituency—on public affairs; or to express their gratitude to public servants for distinguished merit and exertions for the common good; or their condolence with those who share with all the people the grief of a common public calamity,—in which resolves it seems proper for the Governor to unite officially, since he also is a representative of the Commonwealth. But, it does not seem to me that, with becoming regard to the entire independence with which *opinions* should be entertained, he can affect to *revise* the opinions expressed in a resolve such as the one above recited.

[To the Senate, May 17.]

A resolve has been laid before me for providing for the appointment of a Joint Special Committee of the Legislature to procure a portrait of the late President Lincoln. In order

that the Legislature may not adjourn under any misapprehension of the posture of the resolve, I have the honor to make to you this communication for its information. I understand a committee of either branch of the General Court to be an organ of that branch, and a committee of both branches thereof to be an organ of that body, and that the whole body, or either branch thereof, may appoint, in their own way, such committees as in their judgment will promote their efficiency and convenience in the performance of legislative business. And I do not understand that the Governor can properly intervene or participate in deciding what committees shall be raised, nor how they shall be appointed, without transcending the proper limits of the Executive sphere. I have, therefore, placed the resolve in the hands of the Secretary of the Commonwealth without the Executive signature. I beg leave, also, while I do not doubt the competence of the Legislature to instruct a committee to procure for its use such a work of art, respectfully to suggest that a sum of money needs to be provided in the proper form of a legal appropriation, either now or hereafter, in order to give ultimate effect to the purpose intended.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1864.			
January 4, . . .	Maria Fitzgibbon, . . .	Maria Havey, . . .	Boston.
March 21, . . .	Louis Paul Otis, . . .	Alfred Lewis Baury, . . .	Boston.
“ 28, . . .	Robert Miller Slater, . . .	Howard Randolph Bowers, . . .	Boston.
April 11, . . .	Isaac Davenport Fisher, . . .	Davenport Fisher, . . .	Boston.
“ 11, . . .	Charles William Brown, . . .	Gardner Charles Brown, . . .	Boston.
May 9, . . .	Ella Walsh, . . .	Carrie Ella Judkins, . . .	Boston.
“ 16, . . .	Lillian Cornis, . . .	Lillian Webster Brown, . . .	Boston.
June 6, . . .	Arthur Latham Rowell, . . .	Arthur Latham Clough, . . .	Boston.
“ 27, . . .	James Henry Very, . . .	James Henry Wakefield, . . .	Boston.
October 3, . . .	William Thomas Ashton, . . .	William Thomas Bancroft, . . .	Boston.
November 14, . . .	Richard Godfrey, . . .	Richard Irwin, . . .	Boston.

December 5,	.	Mary P. Nye,	.	.	Bertha Lincoln Putnam,	.	Boston.
" 5,	.	Abigail Libby Coverley,	.	.	Abby Libby Lunt,	.	Boston.
" 19,	.	Gracie Emma Thomas,	.	.	Gracie Emma Kelley,	.	Boston.
" 19,	.	Sophia Beck,	.	.	Gertrude Hatchman,	.	Boston.

ESSEX COUNTY.							
February 2,	.	William E. Fisher,*	.	.	William E. Prentiss,	.	Marblehead.
March 1,	.	Mary Jane Fremont,*	.	.	Alice Fremont Willey,	.	South Danvers.
June 7,	.	Annie Elizabeth King,	.	.	Annie Fabens King,	.	Salem.
" 7,	.	Mary Jane Howe,*	.	.	Mary Jane Bridges,	.	Newburyport.
" 14,	.	Harry Dow,	.	.	Harry Dow Moray,	.	Lawrence.
" 14,	.	Mary Emma Bean,*	.	.	Emma Bean Chase,	.	Lawrence.
July 5,	.	William Fitzgibbon,*	.	.	William Fitzgibbon Erwin,	.	Gloucester.
August 2,	.	Maria Emma Ingalls,	.	.	Emma Williston Ingalls,	.	Andover.
" 2,	.	Elizabeth D. Howe,	.	.	Elizabeth Howe Richards,	.	Lynn.
October 4,	.	Emma Frances Cheneworth,*	.	.	Emma Frances Burus,	.	Lynn.
" 11,	.	Eva Adelaide DeWolf,*	.	.	Eva Adelaide Smith,	.	Gloucester.
" 18,	.	William Carr Moreau,*	.	.	William Charles Anderson,	.	Groveland.
December 13,	.	Lizzie Maria Withey,*	.	.	Lizzie Maria Higgins,	.	Lawrence.

* Minor : name changed by reason of adoption.

MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1864.			
January 26,	Susan Elizabeth Ames,*	Susan Elizabeth Sparhawk,	Brighton.
" 26,	Rhoda Jane Ames,*	Rhoda Jane Sparhawk,	Brighton.
February 5,	Fanny M. Hunt,*	Fanny Hamilton Flint,	Cambridge.
March 22,	John Alexander Jennison,*	John Alexander Holmes,	Wayland.
April 5,	Charles Fremont Chapman,*	Charles Henry Pierson,	Wilmington.
" 5,	William P. L. Chapman,*	William Justin Damon,	Reading.
12.	Eugene Hall,*	William Henry Gurney,	Natick.
26,	Anne Stewart,*	Anne Crowley,	Malden.
May 10,	William Parker Lewis,*	Samuel William Fowler,	Malden.
June 14,	Sarah Jane Carroll,*	Sarah Jane Twitchell,	Hopkinton.
" 14,	Annie A. Cushman,*	Annie Augusta Hastings,	Natick.
" 28,	Horace Joseph Butterworth,*	Horace Joseph Allen,	Woburn.
August 9,	Kenneth John Brown,	Kenneth John Ware,	Medford.
September 6,	Charles Henry Pratt,*	Charles Henry Lovett,	Lowell.
" 6,	Clara W. Weeks,*	Clara W. Smith,	Lowell.
" 13,	George Fred. Mortimer Nowlan,*	Fred. Mortimer Bell,	Malden.
" 27,	Nellie Hoyet,*	Hattie Mills,	Groton.

October 4,	.	Mary Catharine Houghton,*	.	Mary Catharine Beath,	.	Cambridge.
" 11,	.	Mary Elizabeth Kenedy,*	.	Merrian Farrington,	.	Holliston.
November 22,	.	Horatio Griffin,*	.	Horace James,	.	Medford.
December 13,	.	Harry Ellison Chase,*	.	Harry Ellison Seaver,	.	Charlestown.
" 13,	.	Emma Jane Parker,*	.	Emma Melitable Morse,	.	Marlborough.
" 13,	.	Leslie Frances Martin,*	.	Leslie Frances Adams,	.	Lowell.
" 27,	.	Lida Cecelia Pearl,*	.	Ida Webb,	.	Waltham.

* Minor : name changed by reason of adoption.

WORCESTER COUNTY.

March 1,	.	Evelyn E. Tidd,	.	Evelyn E. Plummer,	.	Warren.
February 2,	.	Edwin Tyson Townsend,	.	Edward Townsend,	.	Spencer.
April 5,	.	Sarah Maria Farnum,	.	Sarah Maria Taft,	.	Uxbridge.
" 5,	.	Mary Ann Dowd,	.	Mary Ann Darney,	.	Worcester.
" 5,	.	Catharine Dowd,	.	Catharine Gernhard,	.	Worcester.
May 3,	.	Nellie Brown,	.	Nellie Wakefield,	.	Worcester.
" 3,	.	Arthur W. Conant,	.	Arthur Warren Conant Loverwell,	.	Gardner.
June 7,	.	Cassie Vernon Miller,	.	Cassie Vernon Miller Long,	.	Westborough.
" 7,	.	Annie Dowd,	.	Annie Vail,	.	Worcester.

WORCESTER COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1864.			
June 7, . . .	Nettie Maria Norcross, .	Nettie Maria Martin, .	Worcester.
" 7, . . .	Susie Adams, . . .	Susie A. Dodd, . . .	Paxton.
July 5, . . .	Margaret Josephine Perry, .	Margaret Louise Humphrey,	Milford.
August 2, . . .	Georgie E. Smith, . . .	Ella Maria Sibley, . . .	Westborough.
" 2, . . .	Hattie Ann Spooner, . . .	Hattie Ann Brown, . . .	Leicester.
September 6, . . .	Stephen Edward McGann, . . .	Stephen Edward McGann Finnelly,	Milford.
" 6, . . .	Clara Etta Gould, . . .	Nellie Elizabeth Hatch, . . .	Leicester.
" 6, . . .	Joseph Washington Estabrook Lindsay,	Joseph Ira Lindsay, . . .	Grafton.
" 29, . . .	Cora M. Gould, . . .	Cora M. Wheaton, . . .	Leicester.
November 1, . . .	Lucy Caroline Brooks, .	Lucy Caroline Warner, . . .	Harvard.
" 1, . . .	Eva Kendall, . . .	Eva Merton Clemence,	Worcester.
" 1, . . .	George Fabian Dupsey, . . .	George Cart, . . .	Worcester.
" 1, . . .	William Arthur Cummings, .	William Arthur Eager, .	Leominster.
" 1, . . .	Ernest Buck, . . .	Ernest Clapper, . . .	Milbury.
December 6, . . .	Lizzie E. Hubbard, . . .	Lizzie H. Ellis, . . .	Milford.

HAMPSHIRE COUNTY.

January 5, .	Frank Fiske, .	. . . . .	Frank Fiske Brown, .	. . . . .	South Hadley.
" 5, .	William A. Turner, .	. . . . .	Leon Ellsworth Beals, .	. . . . .	Northampton.
March 1, .	Emily Adelaide Livingston, .	. . . . .	Katie Emma King, .	. . . . .	Plainfield.
April 14, .	Joseph W. Porter, .	. . . . .	Wellington Joseph Patterson, .	. . . . .	Huntington.
September 6, .	Curtis R. Graves, .	. . . . .	Curtis R. Smith, .	. . . . .	Amherst.
October 11, .	Lucy Ellen King, .	. . . . .	Lucy King Dikeman, .	. . . . .	Northampton.
November 1, .	Ella J. Bushnell, .	. . . . .	Ella J. Warner, .	. . . . .	Williamsburg.

HAMPDEN COUNTY.

—* .	Joel N. Clark, .	. . . . .	Joel Norton, .	. . . . .	Blandford.
February 2, .	George Sidney Brown, .	. . . . .	George Sidney Hamilton, .	. . . . .	Blandford.
March 15, .	Frederick B. Winchell, .	. . . . .	Frederick B. Rogers, .	. . . . .	Chester.
April 5, .	Charles Bates, .	. . . . .	Charles Weaver, .	. . . . .	Chicopee.
" 5, .	Clara Eva Harvey, .	. . . . .	Clara Eva Easton, .	. . . . .	Southwick.
June 7, .	Mary Butler, .	. . . . .	Minnie W. Pinkham, .	. . . . .	Springfield.
" 7, .	Mary M. Simons, .	. . . . .	Mary M. Burt, .	. . . . .	Longmeadow.
July 5, .	Mary Ida Simons, .	. . . . .	Cora Bell Clark, .	. . . . .	Chester.

* Decreed December 1, 1863.

HAMPDEN COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1864.			
July 5, . . .	Alia Eveline Thompson, . . .	Alia Eveline Kendall, . . .	Chicopee.
" 5, . . .	John Neal, . . .	John N. Capen, . . .	Springfield.
" 17, . . .	Charles Dinkle, . . .	Frederick Briggs Converse, . . .	Monson.

FRANKLIN COUNTY.

February 2, . . .	Alice F. Dunbar, . . .	Alice F. Munson, . . .	Greenfield.
" 9, . . .	Franklin E. Turner, . . .	Lyman F. Griggs, . . .	Ashfield.
" 9, . . .	James Hicks, . . .	James Hicks Hunt, . . .	Rowe.
May 3, . . .	Henrietta E. Smith, . . .	Henrietta Emeline Wilson, . . .	Shutesbury.
" 3, . . .	Minnie Maria Hall, . . .	Minnie Maria Pierce, . . .	Buckland.
June 7, . . .	Abigail Thomas, . . .	Abbie Maria Willis, . . .	Buckland.
July 5, . . .	Sarah Nunney, . . .	Sarah Sprague, . . .	Buckland.
August 2, . . .	Elizabeth A. Dawson, . . .	Mary Ella King, . . .	Buckland.
" 2, . . .	Emily Nunney, . . .	Emily Nunney Brown, . . .	Buckland.
September 6, . . .	William E. Martin, . . .	William Arthur Cook, . . .	Heath

October 25, .	. Ada Johnson, . . . .	. Ada Johnson Powers, . . . .	. Shelburne.
" 25, .	. Daniel P. Johnson, . . . .	. Daniel Johnson Powers, . . . .	. Shelburne.
" 25, .	. Lucinda Melessa Payne, . . . .	. Beadie Melessa Payne, . . . .	. Buckland.
December 6, .	. Carrie B. Vose, . . . .	. Carrie Belle Harris, . . . .	. Charlemont.

BERKSHIRE COUNTY.

March 18, Laura Ellen Shattuck, Ellen Jane Ballou, Adams.
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NORFOLK COUNTY.

February 13, William Sherman Elliot, William Sherman Fellows, Milton.
" 27, . . . .	. Frank W. Slater, . . . .	. John Franklin Bowling, . . . .	. Foxborough.
April 2, . . . .	. Charles Mansfield, . . . .	. Charles Henry Mansfield, . . . .	. Needham.
" 16, . . . .	. Nellie Baker Spring, . . . .	. Helen Amelia Shaw, . . . .	. Unknown.
July 2, . . . .	. Esther H. P. Stevens, . . . .	. Esther H. P. Sumner, . . . .	. Foxborough.
August 20, . . . .	. Frank Ellis Perry, . . . .	. Frank Ellis Hill, . . . .	. Foxborough.
" 27, . . . .	. Henry Ambrose Heeling, . . . .	. Henry Lomasney Kirby, . . . .	. Roxbury.
November 5, . . . .	. Margaret Cunningham, . . . .	. Mary Ella Burroughs, . . . .	. Unknown.

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1864.			
February 5, . . .	Emma Louisa Caneau, . . .	Emma Louisa Dean, . . .	Taunton.
" 15, . . .	Hannah Louisa Pratt, . . .	Hannah Louisa Stanley, . . .	Taunton.
" 19, . . .	Mary Ella Black, . . .	Mary Ella Hunt, . . .	Taunton.
March 16, . . .	Caroline Elizabeth Cheatham, . . .	Caroline Elizabeth Bosworth, . . .	Attleborough.
July 8, . . .	Alice Almy Davol, . . .	Almy Cartwright, . . .	Somerset.
August 19, . . .	Hester Henrietta Pratt, . . .	Hester Henrietta Fuller, . . .	Rehoboth.
September 16, . . .	Emma Theresa Harriman, . . .	Emma Allen Battelle, . . .	Taunton.

PLYMOUTH COUNTY.

June 12, . . .	Irene Allen Taylor,* . . .	Irene Allen White, . . .	Duxbury.
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BARNSTABLE COUNTY.

June 21, . . .	Charles Ellis, . . .	Charles Sears, . . .	Dennis.
" 21, . . .	Frederick Joseph Crocker, . . .	Frederick William Crocker, . . .	Barnstable.
November 3, . . .	Minnie Fletcher Howe, . . .	Minnie Fletcher Lascombe, . . .	Provincetown.

DUKES COUNTY.

—†	.	.	.	Tristram Ripley,*	.	.	.	Tristram R. Holley,	.	.	.	Edgartown.
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NANTUCKET COUNTY.

57	September —,	.	.	James Ross Gardner,	.	.	.	James Ross,	.	.	.	Nantucket.
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* Minor: name changed by reason of adoption.

† Decreed January 19, 1863.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1865.

EXECUTIVE DEPARTMENT

HIS EXCELLENCY
JOHN A. ANDREW,
GOVERNOR.
HENRY WARE, *Private Secretary.*

HIS HONOR
JOEL HAYDEN,
LIEUTENANT-GOVERNOR.

COUNCIL — (By Districts.)

I.—NEHEMIAH BOYNTON.	V.—WILLIAM N. FLYNT.
II.—EBEN S. POOR.	VI.—J. F. HITCHCOCK.
III.—THOMAS TALBOT.	VII.—FRANCIS W. BIRD.
IV.—HARTLEY WILLIAMS.	VIII.—ASA MILLETT.*

OLIVER WARNER,
SECRETARY OF THE COMMONWEALTH.
CHARLES W. LOVETT, *1st Clerk.* ALBERT L. FERNALD, *2d Clerk.*

HENRY K. OLIVER,
TREASURER AND RECEIVER-GENERAL.
DANIEL H. ROGERS, *1st Clerk.* ARTEMAS HARMON, *2d Clerk.*

CHESTER I. REED,
ATTORNEY-GENERAL.
JAMES C. DAVIS, *Clerk.*

LEVI REED,
AUDITOR OF ACCOUNTS.
JULIUS L. CLARKE, *Clerk.*

* Chosen by the Legislature, and qualified April 29, *vice* Horace Scott, resigned.

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT SYSTEM OF 1857.

SENATE.

President — JONATHAN E. FIELD.

District.	Name of Senator.	Residence.
First Suffolk, . .	Hiram A. Stevens, . .	Boston.
Second " . .	Martin Griffin, . .	"
Third " . .	Francis E. Parker, . .	"
Fourth " . .	Charles R. Codman, . .	"
Fifth " . .	William W. Clapp, jr., . .	"
First Essex, . .	Darwin E. Ware, . .	Marblehead.
Second " . .	Samuel M. Worcester, . .	Salem.
Third " . .	George Foster, . .	Andover.
Fourth " . .	Yorick G. Hurd, . .	Amesbury.
Fifth " . .	Eben A. Andrews, . .	Ipswich.
First Middlesex, . .	Francis Childs, . .	Charlestown.
Second " . .	Joseph A. Pond, . .	Brighton.
Third " . .	Alden Leland, . .	Holliston.
Fourth " . .	George Heywood, . .	Concord.
Fifth " . .	John Hill, . .	Stoneham.
Sixth " . .	Tappan Wentworth, . .	Lowell.

District.	Name of Senator.	Residence.
Central Worcester, .	Elijah B. Stoddard, . .	Worcester.
South-East " .	Moses D. Southwick, . .	Blackstone.
South-West " .	Emerson Johnson, . .	Sturbridge.
West " .	Charles Adams, jr., . .	North Brookfield.
North-East " .	Joel Merriam, . . .	Westminster.
East " .	Milo Hildredth, . . .	Northborough.
Hampshire, . . .	Levi Stockbridge, . .	Hadley.
Franklin, . . .	Albert C. Parsons, . .	Northfield.
Hampshire & Franklin,	Solomon C. Wells, . .	Montague.
West Hampden, . .	Thomas Kneil, . . .	Westfield.
East " . .	Henry Alexander, jr., .	Springfield.
North Berkshire, .	Paul A. Chadbourne, . .	Williamstown.
South " . .	Jonathan E. Field, . .	Stockbridge.
North Norfolk, . .	George Frost, . . .	Roxbury.
East " . .	Francis A. Hobart, . .	Braintree.
West " . .	John S. Eldridge, . .	Canton.
North Bristol, . .	Abijah M. Ide, . . .	Taunton.
South " . .	Robert C. Pitman, . .	New Bedford.
West " . .	Josiah C. Blaisdell, . .	Fall River.
North Plymouth, .	William L. Reed, . . .	Abington.
South " . .	Henry Barstow, . . .	Mattapoisett.
Middle " . .	Jacob H. Loud, . . .	Plymouth.
Cape, . . .	Freeman Cobb, . . .	Brewster.
Island, . . .	James Easton, 2d, . .	Nantucket.

STEPHEN N. GIFFORD, *Clerk.* GEORGE E. ELLIS, *Chaplain.*
 JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—ALEXANDER H. BULLOCK.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Ward 1, Boston, . {	Charles T. Stevens, . John W. Mahan, .	Boston. “
2d,	Ward 2, Boston, . {	Richard Beeching, . Frederick Pease, . Charles R. McLean, .	Boston. “ “
3d,	Ward 3, Boston, . {	John Glancy, . . Edward Riley, . .	Boston. “
4th,	Ward 4, Boston, . {	John Brown, . . Augustus O. Allen, .	Boston. “
5th,	Ward 5, Boston, . {	Horace H. Coolidge, Avery Plumer, .	Boston. “
6th,	Ward 6, Boston, . {	George P. Clapp, . David H. Coolidge, .	Boston. “
7th,	Ward 7, Boston, . {	Daniel J. Sweeney, . James J. Flynn, .	Boston. “
8th,	Ward 8, Boston, . {	David Thayer, . . A. M. McPhail, jr., .	Boston. “
9th,	Ward 9, Boston, . {	Thomas Hills, . . William Carpenter, .	Boston. “
10th,	Ward 10, Boston, . {	Moses Kimball, . Joseph T. Bailey, .	Boston. “
11th,	Ward 11, Boston, . {	William Cumston, . George P. Denny, .	Boston. “
12th,	Ward 12, Boston, . {	Edwin Briggs, . . Henry Souther, . . Lewis C. Whiton, .	Boston. “ “

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
13th,	{ Chelsea, . . . } { North Chelsea, . . } { Winthrop, . . . }	Tracy P. Cheever, . Edward H. Rogers, .	Chelsea. “

COUNTY OF ESSEX.

1st,	{ Amesbury, . . . } { Salisbury, . . . } { Ward 6, Newbury- port, . . . }	Edward P. Wallace, Henry W. Moulton, .	Salisbury. Newburyport.
2d,	Andover, . . .	Henry S. Greene, .	Andover.
3d,	{ Beverly, . . . } { Wenham, . . . } { Topsfield, . . . }	John I. Baker, . . Charles H. Odell, .	Beverly. “
4th,	Danvers, . . .	Charles P. Preston, .	Danvers.
5th,	{ Essex, . . . } { Manchester, . . . }	William H. Hooper, .	Manchester.
6th,	{ Georgetown, . . . } { Groveland, . . . }	Daniel H. Stickney, .	Groveland.
7th,	Gloucester, . . {	Charles Fitz, . . . Joseph L. Andrews, .	Gloucester. “
8th,	Haverhill, . . {	Charles G. Burnham, William Foss, . . .	Haverhill. “
9th,	{ Ipswich, . . . } { Hamilton, . . . }	George Dane, . . .	Hamilton.
10th,	{ Wards 3 and 4, Law- rence, . . . }	Henry Barton, . . .	Lawrence.
11th,	{ Wards 1, 2, and 6, } { Lawrence, . . . }	Edgar J. Sherman, .	Lawrence.
12th,	Wards 2 and 5, Lynn,	Stephen N. Richardson,	Lynn.
13th,	{ Wards 1, 6, and 7, } { Lynn, . . . }	John C. Houghton, .	Lynn.
14th,	{ Marblehead, & Ward } { 5, Salem, . . . }	George W. Patch, . Joseph T. Wright,* .	Marblehead. “

* Joseph A. Hooper was the certified representative: his seat was contested and obtained by Mr. Wright, who deceased before receiving the official oaths, and no election to fill the vacancy was ordered.

COUNTY OF ESSEX—Concluded.


District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Methuen, and Ward 5, Lawrence, . }	John W. Frederick, .	Methuen.
16th,	{ Nahant, and Ward 4, Lynn, . . . }	Simon J. Roney, .	Lynn.
17th,	{ Newbury, . . West Newbury, . Rowley, . . . }	William M. Rogers, .	Newbury.
18th,	{ Wards 1 and 2, New- buryport, . . }	Thomas C. Goodwin,	Newburyport.
19th,	{ Wards 3, 4, and 5, Newburyport, . . }	Albert W. Stevens, .	Newburyport.
20th,	{ Bradford, . . North Andover, . Boxford, . . . }	Elbridge G. Manning,	North Andover.
21st,	Rockport, . .	Amos Rowe, jr., .	Rockport.
22d,	Wards 1 & 3, Salem,	Thomas H. Prime, .	Salem.
23d,	{ Wards 2, 4 and 6, Salem, . . . }	Nathaniel J. Holden, George F. Brown, .	Salem. “
24th,	{ Saugus, . . . Lynnfield, . . Middleton, . . }	George L. Hawkes, .	Lynnfield.
25th,	South Danvers, .	Caleb W. Osborn, .	South Danvers.
26th,	{ Swampscott, & Ward 3, Lynn, . . . }	Amos F. Breed, .	Lynn.

COUNTY OF MIDDLESEX.

1st,	Ward 1, Charlestown,	Robert B. Rogers, .	Charlestown.
2d,	{ Wards 2 & 3, Charles- town, . . . }	James M. Stone, . George S. Pendergast, William B. Long, .	Charlestown. “ “
3d,	Somerville, . .	Robert A. Vinal, .	Somerville.
4th,	Malden, . . .	George W. Copeand,	Malden.

COUNTY OF MIDDLESEX—Continued.

District.	Town or City.	Name of Representative.	Residence.
5th,	Medford, . . .	Eleazer Boynton, jr.,	Medford.
6th,*	{ West Cambridge, . . } { Winchester, . . }	Charles Goddard, .	Winchester.
7th,	Cambridge, . . .	{ Lorenzo Marrett, . George P. Carter, . George S. Saunders,	Cambridge. " "
8th,	{ Newton, . . . } { Brighton, . . }	{ Thomas Rice, jr., . Horace W. Jordan, .	Newton. Brighton.
9th,*	{ Watertown, . . } { Waltham, . . }	{ F. M. Stone, . . Edward Bangs, . .	Waltham. Watertown.
10th,	{ Concord, . . . } { Lincoln, . . . } { Weston, . . . }	James L. Chapin, .	Lincoln.
11th,	Natick, . . .	George L. Sawin, .	Natick.
12th,	{ Holliston, . . } { Sherborn, . . }	Wm. N. Batchelder,	Holliston.
13th,	{ Ashland, . . . } { Hopkinton, . . }	John Clark, . . .	Ashland.
14th,	Framingham, . .	James W. Clark, .	Framingham.
15th,	Marlborough, . .	Henry O. Russell, .	Marlborough.
16th,	{ Stow, . . . } { Sudbury, . . . } { Wayland, . . }	Robert W. Derby, .	Stow.
17th,	{ Acton, . . . } { Boxborough, . . } { Littleton, . . . } { Carlisle, . . . }	John F. Robbins, .	Littleton.
18th,	{ Burlington, . . } { Bedford, . . . } { Lexington, . . }	Oakes Tirrell, . .	Burlington.
19th,	Woburn, . . .	Joseph G. Pollard, .	Woburn.
20th,	{ South Reading, . } { Melrose, . . . } { Stoneham, . . . }	{ Daniel Allen, . . Leander F. Lynde, .	South Reading. Stoneham.

* Town of Belmont incorporated 1859, embracing portions of Districts 6 and 9. 

COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Reading, . . . } { North Reading, . . }	William W. Davis, .	Reading.
22d,	{ Wilmington, . . . } { Tewksbury, . . . } { Billerica, . . . }	Jesse G. D. Stearns,	Billerica.
23d,	{ Wards 1, 2 and 5, } { Lowell, . . . }	Jacob Rogers, . . William T. McNeill, Sullivan L. Ward, .	Lowell. “ “
24th,	{ Wards 3, 4 and 6, } { Lowell, . . . }	Horace J. Adams, . John F. Manahan, . Zina E. Stone, .	Lowell. “ “
25th,	{ Chelmsford, . . . } { Dracut, . . . } { Tyngsborough, . . }	Levi F. Jones, . .	Dracut.
26th,	{ Shirley, . . . } { Groton, . . . } { Dunstable, . . . } { Westford, . . . } { Pepperell, . . . }	Edward F. Jones, . George Davis, . .	Pepperell. Shirley.
27th,	{ Townsend, . . . } { Ashby, . . . }	Anson D. Fessenden,	Townsend.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } { Winchendon, . . . }	Geo. C. Winchester,	Ashburnham.
2d,	{ Athol, . . . } { Royalston, . . . }	Calvin Kelton, . .	Athol.
3d,	{ Dana, . . . } { Petersham, . . . } { Phillipston, . . . }	John G. Mudge, . .	Petersham.
4th,	{ Templeton, . . . } { Hubbardston, . . . }	Lyman Woodward, .	Hubbardston.
5th,	{ Gardner, . . . } { Westminster, . . . }	Augustine Whitney,	Westminster.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Town.	Name of Representative.	Residence.
6th,	{ Fitchburg, . . . } { Leominster, . . . } { Sterling, . . . } { Lunenburg, . . . }	John W. Kimball, . Daniel R. Haines, . Luke Sawyer, .	Fitchburg. Leominster. Sterling.
7th,	{ Harvard, . . . } { Bolton, . . . } { Berlin, . . . }	Frederick A. Willard,	Harvard.
8th,	{ Clinton, . . . } { Lancaster, . . . }	Charles M. Bowers, .	Clinton.
9th,	{ Princeton, . . . } { Rutland, . . . } { Oakham, . . . }	William B. Goodnow,	Princeton.
10th,	{ Barre, . . . } { Hardwick, . . . }	Amasa Gibson,	Barre.
11th,	{ Warren, . . . } { West Brookfield, . . . } { New Braintree, . . . }	Lucius J. Knowles, .	Warren.
12th,	{ North Brookfield, . . . } { Brookfield, . . . }	Benadam Gallup, .	Brookfield.
13th,	{ Leicester, . . . } { Spencer, . . . }	Luther Hill, . . .	Spencer.
14th,	{ West Boylston, . . . } { Holden, . . . } { Paxton, . . . }	David C. Murdock, .	West Boylston.
15th,	{ Shrewsbury, . . . } { Northborough, . . . } { Boylston, . . . }	Thomas W. Ward, .	Shrewsbury.
16th,	{ Westborough, . . . } { Southborough, . . . }	Reuben Boynton, .	Westborough.
17th,	Grafton, . . .	Stephen R. White, .	Grafton.
18th,	{ Northbridge, . . . } { Upton, . . . }	Samuel J. Fletcher, .	Northbridge.
19th,	Milford, . . .	Zibeon C. Field, . J. B. Bancroft, .	Milford. “
20th,	{ Uxbridge, . . . } { Mendon, . . . }	Micajah C. Gaskill, .	Mendon.

COUNTY OF WORCESTER—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	Blackstone, . . .	John S. Needham, .	Blackstone.
22d,	{ Webster, . . . } { Douglas, . . . }	Prince Brackett, .	Webster.
23d,	{ Southbridge, . . . } { Dudley, . . . }	Wm. F. McKinstry, .	Southbridge.
24th,	{ Charlton, . . . } { Sturbridge, . . . }	Emory L. Bates, .	Sturbridge.
25th,	{ Oxford, . . . } { Sutton, . . . } { Millbury, . . . }	Archibald Campbell, Horace Waters, .	Oxford. Millbury.
26th,	{ Auburn, and Ward } { 6, Worcester, . }	Edwin Draper, .	Worcester.
27th,	{ Wards 1 and 2, Wor- } { cester, . . . }	Charles H. Ballard, .	Worcester.
28th,	{ Wards 3 and 8, Wor- } { cester, . . . }	John P. Marble, .	Worcester.
29th,	{ Wards 4 and 5, Wor- } { cester, . . . }	George A. Brown, .	Worcester.
30th,	Ward 7, Worcester, .	Alex. H. Bullock, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } { Hatfield, . . . } { Northampton, . . . } { Southampton, . . . }	Lewis J. Dudley, . Joseph D. Billings, .	Northampton. Hatfield.
2d,	{ Chesterfield, . . . } { Huntington, . . . } { Westhampton, . . . } { Williamsburg, . . . }	Albert Nichols, .	Chesterfield.
3d,	{ Cummington, . . . } { Goshen, . . . } { Middlefield, . . . } { Plainfield, . . . } { Worthington, . . . }	Levi N. Campbell, .	Plainfield.
4th,	{ Hadley, . . . } { South Hadley, . . . }	Elliot Montague, .	South Hadley.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Amherst, . . . }	William S. Clark, .	Amherst.
	{ Granby, . . . }		
	{ Pelham, . . . }		
6th,	{ Belchertown, . . }	Albert L. Doak, .	Greenwich.
	{ Enfield, . . . }	Harrison Root, .	Belchertown.
	{ Greenwich, . . . }		
	{ Prescott, . . . }		
	{ Ware, . . . }		

COUNTY OF HAMPDEN.

1st,	{ Brimfield, . . . }	Elijah Shaw, . .	Wales.
	{ Monson, . . . }		
	{ Holland, . . . }		
	{ Wales, . . . }		
2d,	Palmer, . . .	David Knox, . .	Palmer.
3d,	{ Wilbraham, . . }	D. Erskine Burbank,	Longmeadow.
	{ Longmeadow, . . }		
4th,	{ Wards 1 & 2, Spring- }	Horace J. Chapin, .	Springfield.
	{ field, . . . }		
5th,	{ Wards 3 & 4, Spring- }	Chas. A. Winchester,	Springfield.
	{ field, . . . }		
6th,	{ Wards 5, 6, 7 and 8, }	Lewis H. Taylor, .	Springfield.
	{ Springfield, . . }		
7th,	{ Chicopee, . . . }	John Wells, . .	Chicopee.
	{ Ludlow, . . . }	Jacob S. Eaton, .	Ludlow.
8th,	{ Holyoke, . . . }	Simeon Miller, .	Holyoke.
	{ West Springfield, . }		
9th,	{ Agawam, . . . }	Cyrus Bell, . .	Agawam.
	{ Southwick, . . . }		
	{ Granville, . . . }		
10th,	Westfield, . .	Henry J. Bush, .	Westfield.
11th,	{ Chester, . . . }	Jarvis W. Gibbs, .	Russell.
	{ Blandford, . . . }		
	{ Tolland, . . . }		
	{ Montgomery, . . . }		
	{ Russell, . . . }		

COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	{ Bernardston, . . . Colrain, . . . Greenfield, . . . Gill, . . . Leyden, . . . Shelburne, . . . }	William F. Wilder, . George W. Bartlett, .	Shelburne. Greenfield.
2d,	{ Buckland, . . . Charlemont, . . . Heath, . . . Monroe, . . . Rowe, . . . }	Arad Hall, . . .	Heath.
3d,	{ Ashfield, . . . Conway, . . . Hawley, . . . }	Henry Seymour, .	Hawley.
4th,	{ Deerfield, . . . Whately, . . . }	Seth Bardwell, .	Whately.
5th,	{ Leverett, . . . Shutesbury, . . . Sunderland, . . . Wendell, . . . }	Luke Leach, . . .	Wendell.
6th,	{ Erving, . . . Montague, . . . Northfield, . . . }	Newton J. Benjamin,	Erving.
7th,	{ New Salem, . . . Orange, . . . Warwick, . . . }	Beriah W. Fay, .	New Salem.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . Lanesborough, . . . New Ashford, . . . Williamstown, . . . }	Daniel Dewey, .	Williamstown.
2d,	{ Adams, . . . Cheshire, . . . Clarksburg, . . . Florida, . . . Savoy, . . . }	Benjamin F. Phillips, John F. Arnold, .	Adams. “

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—Concluded.

District.	Town or City.	Name of Representative.	Residence.
3d,	{ Pittsfield, . . . }	George N. Dutton, .	Pittsfield.
	{ Dalton, . . . }	Charles O. Brown, .	Dalton.
	{ Richmond, . . . }		
4th,	{ Becket, . . . }	A. W. Warren, .	Windsor.
	{ Hinsdale, . . . }		
	{ Peru, . . . }		
	{ Washington, . . . }		
	{ Windsor, . . . }		
5th,	{ Lenox, . . . }	Henry M. Burrall, .	Stockbridge.
	{ Stockbridge, . . . }		
	{ West Stockbridge, . . . }		
6th,	{ Lee, . . . }	Sylvester S. May, .	Lee.
	{ Tyringham, . . . }		
7th,	{ Great Barrington, . . . }	Joseph Tucker, .	Gt. Barrington.
	{ Alford, . . . }		
	{ Monterey, . . . }		
8th,	{ New Marlborough, . . . }	Franklin G. Abbey,	Sandisfield.
	{ Sandisfield, . . . }		
	{ Otis, . . . }		
9th,	{ Sheffield, . . . }	Joseph A. Benjamin,	Egremont.
	{ Mount Washington, . . . }		
	{ Egremont, . . . }		

COUNTY OF NORFOLK.

1st,	Dedham, . . .	Thos. L. Wakefield,	Dedham.
2d,	West Roxbury, . .	Anson Dexter, . .	West Roxbury.
3d,	Brookline, . . .	James Bartlett, .	Brookline.
4th,	Roxbury, . . .	{ Theodore Otis, . .	Roxbury.
		{ Samuel Little, . .	"
		{ George H. Monroe, .	"
5th,	Dorchester, . . .	{ Henry A. Scudder, .	Dorchester.
		{ Robert Johnson, .	"
6th,	Quincy, . . .	Henry H. Faxon, .	Quincy.
7th,	Braintree, . . .	Edwin S. Bradford, .	Braintree.

HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK—Concluded.

District.	Town or City.	Name of Representative.	Residence.
8th,	Weymouth, . . }	Richard A. Hunt, . Edward Lewis, .	Weymouth. “
9th,	Randolph, . .	Seth Turner, . .	Randolph.
10th,	Stoughton, . .	Nathan Tucker, jr.,	Stoughton.
11th,	{ Canton, . . . } { Milton, . . . } { Walpole, . . . } { Sharon, . . . }	George W. Greene, . Joel P. Hewins, .	Milton. Sharon.
12th,	{ Foxborough, . . } { Wrentham, . . } { Medway, . . }	William Daniels, . Handel Pond, . .	Medway. Wrentham.
13th,	{ Franklin, . . } { Bellingham, . . }	Francis B. Ray, .	Franklin.
14th,	{ Needham, . . } { Medfield, . . } { Dover, . . }	Theodore Dunn, .	Dover.

COUNTY OF BRISTOL.

1st,	{ Pawtucket, . . } { Attleborough, . . }	Henry K. W. Allen, . Ira N. Conant, .	Attleborough. “
2d,	{ Mansfield, . . } { Norton, . . }	Horatio Bates, . .	Norton.
3d,	{ Easton, . . } { Raynham, . . }	Caleb Swan, . .	Easton.
4th,	Taunton, . . . {	Abram Briggs, . . Charles F. Johnson, . Willard Lovering, .	Taunton. “ “
5th,	{ Rehoboth, . . } { Seekonk, . . }	Tamer'e W. Horton,	Rehoboth.
6th,	{ Dighton, . . } { Somerset, . . } { Swanzev, . . }	Job M. Leonard, .	Somerset.
7th,	Fall River, . . }	S. Angier Chace, . Frederick A. Boomer,	Fall River. “

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	Westport, . .	Ezra P. Brownell, .	Westport.
9th,	Dartmouth, . .	Calvin K. Turner, 2d,	Dartmouth.
10th,	{ Wards 1 and 2, New Bedford, . . }	Ebenezer L. Foster, William Bosworth, .	New Bedford. “
11th,	{ Wards 3, 4, 5 and 6, New Bedford, . }	Nathaniel Gilbert, . Wright Brownell, . Cornelius Howland,*	New Bedford. “ “
12th,	{ Acushnet, . . . Berkley, . . . Freetown, . . . Fairhaven, . . }	Ezekiel Sawin, . Abiel B. Crane, .	Fairhaven. Berkley.

COUNTY OF PLYMOUTH.

1st,	{ Hull, . . . Cohasset, . . . Scituate, . . . }	Ephraim Snow, .	Cohasset.
2d,	Hingham, . .	Crocker Wilder, .	Hingham.
3d,	{ South Scituate, . Hanover, . . }	Jedediah Dwelley, .	Hanover.
4th,	{ Marshfield, . . Pembroke, . . }	George F. Hatch, .	Pembroke.
5th,	{ Duxbury, . . . Kingston, . . . }	C. Washburne, jr., .	Kingston.
6th,	{ Plymouth, . . . Carver, . . . }	Charles C. Doten, . John Eddy, . .	Plymouth. “
7th,	{ Wareham, . . . Marion, . . . }	James H. Allen, .	Marion.
8th,	{ Mattapoisett, . . Rochester, . . . Lakeville, . . }	Job Pierce, . .	Lakeville.
9th,	Middleborough, .	George Soule, . .	Middleborough.
10th,	{ Bridgewater, . . West Bridgewater, . }	George D. Ryder, .	W. Bridgewater.

* Mr. Howland's death was announced in the House on the day of final adjournment.

COUNTY OF PLYMOUTH—Concluded.

District.	Town.	Name of Representative.	Residence.
11th,	{ East Bridgewater, . } { North Bridgewater, . }	William Vinton, . Nelson J. Foss, .	E. Bridgewater. N. Bridgewater.
12th,	Abington, . . {	Henry A. Noyes, . Jonathan Arnold, jr.,	Abington. “
13th,	{ Hanson, . . . } { Halifax, . . . } { Plympton, . . }	Timothy G. Brainerd,	Halifax.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . } { Sandwich, . . } { Falmouth, . . }	Simeon L. Leonard, . Ezra T. Pope, . . Silas Jones, . .	Barnstable. Sandwich. Falmouth.
2d,	{ Yarmouth, . . . } { Dennis, . . . } { Harwich, . . . } { Chatham, . . . }	David G. Eldridge, . Joseph Hall, . . Solomon Thacher, .	Yarmouth. Dennis. Harwich.
3d,	{ Brewster, . . . } { Orleans, . . . } { Eastham, . . . }	Tully Crosby, . .	Brewster.
4th,	{ Wellfleet, . . } { Truro, . . . } { Provincetown, . }	Amasa Paine, . . Henry Shortle, . .	Truro. Provincetown.

DUKES COUNTY.

One.*	{ Edgartown, . . } { Tisbury, . . . } { Chilmark, . . }	Samuel Osborn, jr.,	Edgartown.
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COUNTY OF NANTUCKET.

One.	Nantucket, . . {	Reuben P. Folger, . Joseph Mitchell, 2d, .	Nantucket. “
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WILLIAM S. ROBINSON, *Clerk.* | JOHN MORISSEY, *Sergeant-at-Arms.*
SAMUEL F. UPHAM, *Chaplain.*

* Town of GOSNOLD incorporated, 1864, from former portion of Chilmark. Suffrage rights unchanged until new apportionment.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

GEORGE T. BIGELOW, *of Boston.*

ASSOCIATE JUSTICES.

CHARLES A. DEWEY, *of Northampton.*

THERON METCALF, *of Boston.*

EBENEZER R. HOAR, *of Concord.*

REUBEN A. CHAPMAN, *of Springfield.*

HORACE GRAY, JR., *of Boston.*

SUPERIOR COURT.

CHIEF JUSTICE.

CHARLES ALLEN, *of Worcester.*

ASSOCIATE JUSTICES.

JULIUS ROCKWELL, *of Pittsfield.*

OTIS P. LORD, *of Salem.*

MARCUS MORTON, *of Andover.*

EZRA WILKINSON, *of Dedham.*

HENRY VOSE, *of Boston.*

SETH AMES, *of Cambridge.*

THOMAS RUSSELL, *of Boston.*

JOHN P. PUTNAM, *of Boston.*

LINCOLN F. BRIGHAM, *of Boston.*

JUDGES OF PROBATE AND INSOLVENCY.

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HENRY CHAPIN, Worcester,	WORCESTER.
SAMUEL F. LYMAN, Northampton,	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield,	HAMPDEN.
CHARLES MATTOON, Greenfield,	FRANKLIN.
JAMES T. ROBINSON, (North) Adams,	BERKSHIRE.
GEORGE WHITE, Needham,	NORFOLK.
WILLIAM H. WOOD, Middleborough,	PLYMOUTH.
EDMUND H. BENNETT, Taunton,	BRISTOL.
JOSEPH M. DAY, Barnstable,	BARNSTABLE.
THEODORE G. MAYHEW, Edgartown,	DUKES.
EDWARD M. GARDNER, Nantucket,	NANTUCKET.

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ISAAC S. MORSE, Cambridge,	NORTHERN.
ALFRED A. ABBOTT, South Danvers,	EASTERN.
BENJAMIN W. HARRIS, East Bridgewater,	SOUTH-EASTERN.
GEORGE MARSTON, Barnstable,	SOUTHERN.
P. EMORY ALDRICH, Worcester,	MIDDLE.
EDWARD B. GILLETT, Westfield,	WESTERN.
SAMUEL T. SPAULDING, Northampton,	NORTH-WESTERN.

SHERIFFS.

JOHN M. CLARK, Boston,	SUFFOLK.
JAMES CARY, Lawrence,	ESSEX.
CHARLES KIMBALL, Lowell,	MIDDLESEX.
JOHN S. C. KNOWLTON, Worcester,	WORCESTER.
HENRY A. LONGLEY, Northampton,	HAMPSHIRE.
FREDERICK BUSH, Springfield,	HAMPDEN.
SAMUEL H. REED, Greenfield,	FRANKLIN.
GRAHAM A. ROOT, Sheffield,	BERKSHIRE.
JOHN W. THOMAS, Dedham,	NORFOLK.
CHARLES B. H. FESSENDEN, New Bedford,	BRISTOL.
JAMES BATES, Plymouth,	PLYMOUTH.
DAVID BURSLEY, Barnstable,	BARNSTABLE.
SAMUEL KENNISTON, Edgartown,	DUKES.
JOSEPH McCLEAVE, Nantucket,	NANTUCKET.

MEMBERS OF CONGRESS.

CLERKS OF COURTS.

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JOSEPH A. WILLARD, Boston, Superior Court, Civil T.,	.	{ SUFFOLK.
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GEORGE B. MORRIS, Springfield,	HAMPDEN.
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HENRY W. TAFT, Lenox,	BERKSHIRE.
EZRA W. SAMPSON, Dedham,	NORFOLK.
SIMEON BORDEN, Fall River,	BRISTOL.
WILLIAM H. WHITMAN, Plymouth,	PLYMOUTH.
JAMES B. CROCKER, Barnstable,	BARNSTABLE.
RICHARD L. PEASE, Edgartown,	DUKES.
GEORGE COBB, Nantucket,	NANTUCKET.

MEMBERS OF THE THIRTY-NINTH CONGRESS.

SENATORS.

CHARLES SUMNER, *of Boston.*HENRY WILSON, *of Natick.*

REPRESENTATIVES.

District. I.—THOMAS D. ELIOT, *of New Bedford.*II.—OAKES AMES, *of Easton.*III.—ALEXANDER H. RICE, *of Boston.*IV.—SAMUEL HOOPER, *of Boston.*V.—JOHN B. ALLEY, *of Lynn.*VI.—DANIEL W. GOOCH, *of Melrose.*VII.—GEORGE S. BOUTWELL, *of Groton.*VIII.—JOHN D. BALDWIN, *of Worcester.*IX.—WILLIAM B. WASHBURN, *of Greenfield.*X.—HENRY L. DAWES, *of Pittsfield.*

INCREASE OF PILOT FEES.

RATES OF PILOTAGE for the ports of Boston and Newburyport, and upon the Merrimack River from Newburyport to Amesbury, as approved by the Governor, with the advice of the Council, and proclaimed by publication, in compliance with requirements of section seventeen of chapter one hundred and seventy-six of the Acts of eighteen hundred and sixty-two.

Commonwealth of Massachusetts.

COUNCIL CHAMBER, BOSTON, September 7, 1864.

ORDERED, That in compliance with the recommendation of the Boston Marine Society, there be allowed to Boston Pilots, an increase of nineteen per cent. on the rates of pilotage established previous to September 1, 1864.

OCTOBER 14, 1864.

ORDERED, That the rates of pilotage for vessels bound into or out of the harbor of Newburyport, or on the Merrimack River, from Newburyport to Amesbury, shall be increased by an addition of thirty cents on the present rates, on and after the 15th of November next.

Adopted in Council and approved:

OLIVER WARNER, *Secretary.*

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
July 27, 1865. }

I hereby certify the printed Acts and Resolves contained in this volume to be true copies of the originals, and that the accompanying papers and other matters therewith are transcripts of official records and returns in this Department.

OLIVER WARNER,
Secretary of the Commonwealth.

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